The Daily News Digest

Wednesday, September 08, 2010

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DAILY NEWS DIGEST ARTICLES
September 8, 2010

Section I: Hydrofracking

Successes in shale to be shared
Shreveport Times, 09/07/10
Summary: As predicted several years ago, water has become a critical limiting factor as the natural gas industry expands from one shale play to the next, according to Gary Hanson, director of the Red River Watershed Management Institute at LSU-Shreveport. Hydraulic fracturing is required in all of the gas shale plays and it is crucial that industry continues to work with northwest Louisiana communities and voluntarily use predominantly surface water or the Red River Alluvial Aquifer instead of the limited Carrizo-Wilcox groundwater for fracking.

Ozone reductions not seen in Barnett Shale region
WFAA, 09/06/10
Summary: As the federal government tightens its restrictions on acceptable levels of ozone, local environmental officials are expressing a growing level of concern. While ozone levels are dropping overall in Texas, there is one particular region where the pollutant is apparently finding stronghold, the Barnett Shale. The morning sun over downtown Dallas can be illuminating, in more ways than one. When pollution is bad, there is no mistaking it. But, recent testing says the air over Dallas is getting better. There have been dramatic drops in particulate matter and ozone in the past few years. Emission controls and cleaner burning engines are paying off.

Section II: Texas Air

Quality of air a regional problem
Denton Record-Chronicle, 09/07/10
Summary:
Denton County was among a number of North Texas counties the Environmental Protection Agency recently labeled with "serious non-attainment" status regarding air quality. County officials are now working to come up with a plan to get the air into compliance, and local representatives believe that goal is not that far off. "We were 2 parts per million out of attainment," said County Commissioner Ron Marchant, who sits on the clean air steering committee of the North Central Texas Council of Governments along with Denton Mayor Mark Burroughs.

New toxins report released
Dallas Morning News, 09/05/10
Summary: State environmental inspectors returned to Dish in mid-June after Mayor Calvin Tillman disclosed to the public that both his young sons recently woke in the night with heavy nosebleeds. Inspectors sampled the air for compounds they didn't test for in previous visits, including formaldehyde, a known carcinogen, along with 16 other carbonyl compounds that are byproducts of combustion. Formaldehyde is not one of the toxic compounds regularly measured by permanent air monitors, such as the one installed in April at Clark Airport in Dish. Natural gas facilities in and around the 2 square miles of Dish, population 125, include four metering stations, 11 compressor stations and more than 20 major gathering pipelines.

Las Brisas: Moving hearing could cause major delays
Corpus Christi Caller, 09/03/10
Summary: A six-week delay in the Las Brisas Energy Center air permit case could turn into years, the company said in court documents. Las Brisas attorney John Riley asked two judges in the case to reconsider their order, issued Thursday, delaying a hearing set for next week until mid-October. The judges also moved a deadline for issuing their recommendation in the case from Nov. 1 to Dec. 10.

Section III: Mariner Platform Explosion

Spotlight Shifts to Shallow-Water Wells

NY Times, 09/03/10

Summary: For decades, thousands of oil and gas platforms have operated quietly in the shallower waters of the Gulf of Mexico, largely forgotten by the public and government regulators. But just as the BP disaster in April brought new scrutiny to the dangers of drilling in the deepest waters of the gulf, Thursday's fire aboard a platform owned by Mariner Energy could well drag the shallow-water drillers into the spotlight's glare.

IV: Oil

Inquiry by BP Finds a 'Sequence of Failures' Involving Several Companies Led to Oil Spill

NY Times, 09/08/10

Summary: The oil giant BP said Wednesday in its internal report that a series of failures involving a number of companies ultimately led to the huge oil spill in the Gulf of Mexico. "No single factor caused the Macondo well tragedy," BP said in a statement about the report. "Rather, a sequence of failures involving a number of different parties led to the explosion and fire which killed 11 people and caused widespread pollution in the Gulf of Mexico earlier this year." Conducted by the company's safety chief, Mark Bly, and a team of about 50 mostly BP employees, the inquiry was initiated almost immediately after the April 20 explosion that killed 11 and spilled almost five million barrels of oil into the Gulf of Mexico.

Feds find no dead zones caused by BP's oil spill

Houston Chronicle, 09/07/10

Summary: Bacteria feeding on oil leaked from BP's ill-fated well have not sapped oxygen levels in the Gulf of Mexico, a new federal study concluded Tuesday. Researchers found a 20 percent drop in oxygen levels within 60 miles of the well head into August, but the levels weren't low enough to create "dead zones" that are harmful to marine life. The findings suggest BP and federal officials properly used chemical dispersants at the mile-deep well head, not just at the surface, to break oil into tiny droplets that are easier for naturally occurring bacteria to digest, said Steve Murawski, the National Oceanic and Atmospheric Administration's chief scientist for the spill response.

Documents Fill in Gaps in Narrative on Oil Rig Blast

NY Times, 09/07/10

Summary: The next hearings by the National Commission on the BP Deepwater Horizon Spill and Offshore Drilling will be Sept. 27-28 in Washington. The subject of the hearings will be the response to the spill and ways to restore the environmental damage. The commission hasn't yet released the list of witnesses.

BP commission hearings scheduled

NOLA Times-Picayune, 09/07/10

Summary: The next hearings by the National Commission on the BP Deepwater Horizon Spill and Offshore Drilling will be Sept. 27-28 in Washington. The subject of the hearings will be the response to the spill and ways to restore the environmental damage. The commission hasn't yet released the list of witnesses.

Agencies: BP plan for beach flawed

Baton Rouge Advocate, 09/07/10

Summary: BP is again seeking permission to use a technique called "surf washing" to finish cleaning the sand at Grand Isle. The permit is pending through the U.S. Army Corps of Engineers and is similar to one BP withdrew in July from the agency. In that request, BP had asked to use "surf washing" — basically pushing oil-stained sand back into the surf for reworking — at East Grand Terre. The current permit request seeks to use the technique along Grand Isle and this time the permit includes much more information as well as responses to concerns posed during the last permit process.

Oil industry admits better spill-response plans are needed

The Hill, 09/07/10

Summary: Oil industry task forces formed after the BP oil spill began are defending the use of chemical dispersants while acknowledging the need to beef up the sector's ability to respond to accidents. The task forces — which brought together an alphabet soup of trade groups and officials from individual companies — on Sept. 3 gave Interior Department regulators two lengthy sets of recommendations on spill response and subsea containment (they can be found here).

Baldwin County looks for state approval to sell oil-stained sand

AL.com, 09/07/10

Summary: A local waste disposal official is hoping that the state will clear the way to sell spill-contaminated beach sand to an asphalt company. Magnolia Landfill had taken in some 800 tons of oily sand through Thursday, according to Baldwin County Solid Waste Director Jim Ransom.

Shoe company hopes 'oil spill collection' will raise money for cleanup

AL.com, 09/07/10

Summary: A small but fashionable shoe label in California got an interesting idea this summer: Put oil-like splotches on selected styles, sell them and then donate the profits to Gulf of Mexico cleanup efforts. While not a ribbon or bracelet, the idea could still be a catalyst to raise awareness and focus people around the country on the cleanup effort, said Bed Stu spokeswoman Nicole Beltrami.

BP gives $10 million to National Institutes of Health to study health effects of oil spill

NOLA Times-Picayune, 09/07/10

Summary: BP announced today it will provide $10 million to the National Institutes of Health to fund a study of the public health repercussions of the Gulf oil spill. The study will be conducted by BP's Gulf of Mexico Research Initiative, established by the company to understand the environmental and health effects of the spill. According to BP, the funds are intended to support public agencies and Gulf Coast academic institutions in their research on the potential acute and long-term health impacts of exposures to oil and chemical dispersants.

Auburn scientists await new research tool to measure oil still in Gulf waters

AL.com, 09/06/10

Summary: A team of Auburn University scientists is awaiting delivery of a FlowCAM — part microscope and part high-speed camera — as it begins to assess the amount of oil persisting in Gulf waters and its possible long-range effects on seafood. The project is being funded by $143,000 grant from a National Science Foundation program designed to speed resources to experts studying the oil spill's environmental impacts.

5 key human errors, colossal mechanical failure led to fatal Gulf oil rig blowout

NOLA Times-Picayune, 09/06/10

Summary: A string of mistakes, first by people, then by a supposedly fail-safe machine, sealed the fates of 11 rig workers and led to the fouling of the Gulf of Mexico and hundreds of miles of its coastline. More than 100 hours of testimony before a federal investigative panel, two dozen congressional hearings and several internal company reports have brought the genesis of the spill into sharp focus. The record shows there was no single fatal mistake or cut corner.

Group doubts claims by BP

Galveston Daily, 09/05/10

Summary: An environmental consulting group investigating a 40-day emissions event at BP's Texas City refinery that sent 536,000 pounds of chemicals into the air calls the company's assertion the incident posed no risk to the community a fallacy. "Every piece of evidence we find gets us closer to the bigger picture, and we can say to BP, 'Yeah, you guys are lying to us,'" said Chris Waller, a civil engineer with the Soil Water Air Protection Enterprise group in California. One of the group's principals is Paul Rosenfeld, an environmental chemist and lecturer with the University of California at Los Angeles School of Public Health and author of "Best Practices in the Petroleum Industry."

Criminal charges being considered against BP in Gulf oil rig tragedy

NOLA Times-Picayune, 09/05/10

Summary: Several investigations of the Deepwater Horizon disaster will seek to determine if systemic issues or individual error caused the catastrophe. The Justice Department is considering criminal charges and civil penalties. If gross negligence is found, fines for the nearly 5 million barrels of oil spilled would balloon from a ceiling of around $5 billion to as much as $18 billion. BP could be found criminally liable as a corporation, and individual employees, three of whom have already invoked their Fifth Amendment rights against self-incrimination, could also be prosecuted.

Section V: Other

Public invited to testify at Dallas hearing on coal ash this morning

Dallas Morning News, 09/08/10

Summary: The Environmental Protection Agency has invited the public to testify at a hearing in Dallas this morning on possible new rules for handling coal ash. The ash is left over from burning coal for electricity and is full of concentrated toxic metals. Coal-firing power companies generally bury it at the plant or in nearby landfills. Critics say that process endangers water quality. Companies and the Texas Commission on Environmental Quality say existing rules are sufficient.

Louisiana DEQ investigating release of white powder that coated parts of St. Bernard Parish

NOLA Times-Picayune, 09/07/10

Summary: The state Department of Environmental Quality has begun a required investigation into the release of 2,000 pounds of a white powdery substance across St. Bernard Parish Monday morning, after a refinery lost power and spewed the material. The substance, described by the refinery officials as spent catalyst, is a by-product of the oil refining process. Catalysts are used widely in petroleum refineries and other chemical plants to speed up chemical reactions or other processes to create the end product.

Restoring coastal wetlands? Check the soil

PhysOrg, 09/07/10

Summary: Rising sea levels and coastal development are threatening coastal freshwater wetlands with saltwater intrusion. While most ecosystem restoration projects have focused on surface water and groundwater, new research finds that conditions in the vadose zone, the unsaturated soil below the surface but above the water table, are of particular importance to seedling survival in coastal floodplain ecosystems.

Tribe's Natural Resource Claim May Proceed; Court Says Oklahoma Not Indispensable Party

BNA's Daily Environment, 09/07/10

Summary: The state of Oklahoma is not an "indispensable party" to a natural resource damage action filed by the Quapaw Tribe because the natural resources at issue are exclusively on tribal land, not under state authority, a federal trial court ruled Aug. 20. Therefore, the U.S. District Court for the Northern District of Oklahoma denied the motion to dismiss filed by defendants Blue Tee Corp. and Gold Fields Mining LLC and allowed the tribe's natural resource damage lawsuit under the Comprehensive Environmental Response, Compensation, and Liability Act to proceed.

Report Urges Better Nutrient Management To Combat Rising Hypoxia in Coastal Waters

BNA's Daily Environment, 09/07/10

Summary: Incidents of oxygen depletion in U.S. coastal waters are increasing, but a series of research and policy steps could help reverse the trend, especially through more efforts to reduce nutrient pollution, according to a report from a federal interagency science and regulatory team. The report, Scientific Assessment of Hypoxia in U.S. Coastal Waters, was delivered Sept. 3 to congressional leaders, who have often expressed concern about the "dead zones" created by hypoxia, or oxygen depletion.

FDA cites claims on 2 green tea beverages

AP, 09/07/10

Summary: Federal health regulators have issued warnings to the makers of Canada Dry ginger ale and Lipton tea for making unsubstantiated nutritional claims about their green tea-flavored beverages. In a warning letter issued Aug. 30, the Food and Drug Administration takes issue with the labeling of Canada Dry Sparkling Green Tea Ginger Ale. The agency issued a similar letter Aug. 23 to Unilever Inc., over website and product labeling for its Lipton Green Tea.

Grant to fund emissions work at UT

Austin American-Statesman, 09/07/10

Summary: The University of Texas won a $5 million grant from the U.S. Department of Energy to do research on carbon capture technology. The grant will support research into identifying areas that might be suitable for storing captured carbon dioxide emissions in geologic formations in the Gulf of Mexico, using seismic imaging technology.

Workers raise more safety concerns for oil cleanup

Michigan Messenger, 09/07/10

Summary: A group of workers taking part in the effort to clean up a million gallons of oil spilled into the Kalamazoo River are leveling new allegations of contractors and subcontractors ignoring worker safety regulations and threatening employees who complained of such violations.

Tropical Storm Hermine lashes south Texas

USA Today, 09/07/10

Summary: Tropical Storm Hermine gave a wet and windy punch to Texas on Tuesday but left only minor scrapes in the storm-weary Rio Grande Valley, which is proving resilient this hurricane season after taking a third tropical system on the chin. Hermine lost steam after crossing into Texas with tropical-storm strength. A peeled-back motel roof in the coastal farming town of Raymondville and scattered power outages were about the worst leftover from the gusty, drenching storm that came and went quickly after creeping up on Texas and Mexico in the warm Gulf waters over the long holiday weekend.

Greenhouse gas emissions meeting today

Las Cruces Sun, 09/06/10

Summary: A hearing on a proposed greenhouse gas emissions cap will be held today from noon until 6:30 p.m. at the New Mexico Farm & Ranch Heritage Museum, 4100 Dripping Springs Road.

Stimulus helps small businesses with clean energy projects

Austin American-Statesman, 09/06/10

Summary: The dogs at DogBoy's Dog Ranch appear to be relatively happy. The canines at the 15-acre facility can gaze at gently rolling rural land when they're not gnawing at balls, splayed out for a doggie massage or getting an adjustment the facility offers dog chiropractic services. And, thanks to an extensive solar panel system partly paid for by the federal government, the 75 or so dogs can sleep in air-conditioned comfort in the kennels that board them.

FDA considers approving genetically modified salmon for human consumption

Washington Post, 09/06/10

Summary: The Food and Drug Administration is poised to approve the first genetically modified animal for human consumption, a highly anticipated decision that is stirring controversy and could mark a turning point in the way American food is produced.

OOIDA to accept applications for APU grants for certain states

TheTrucker.com, 09/06/10

Summary: Members of the Owner-Operator Independent Drivers Association who reside in specific states may apply for an auxiliary power unit (APU) grant starting Tuesday. The Environmental Protection Agency selected OOIDA to receive a $1 million grant to help install approximately 300 emission-cutting APUs in trucks that operate in EPA Regions 6 and 7.

Chevron may be seeking exemption from state environmental laws for its refinery rebuilding project

MercuryNews.com, 09/06/10

Summary: One of Northern California's largest polluters may be trying to orchestrate a last-minute deal with Sacramento lawmakers to evade state environmental laws, potentially increasing its toxic emissions and skirting two court rulings. For five years, Chevron has been trying to rebuild and upgrade its Richmond refinery in Contra Costa County. But environmental and community groups sued, arguing that the company was concealing plans to process heavier grades of crude oil, which can increase pollution.

Prince Charles spreads the green gospel...with a £50,000, five-day Royal Train trip!

Daily Mail, 09/06/10

Summary: The gap between what he preaches and puts into practice has often appeared cavernous. And now Prince Charles looks like he's fallen straight into it. Today he sets out on a tour of the country to promote sustainable living including the importance of walking and cycling – in a £50,000 trip aboard his own nine-carriage Royal Train.

Philly cyclists bare all to promote cleaner air

AP, 09/06/10

Summary: Hundreds of naked and partially nude cyclists have pedaled their way through Philadelphia to promote bicycling awareness and cleaner air. Some of the buff bikers wore body paint, some were in bathing suits and some were completely naked. This was the second year for the Philly Naked Bike Ride. Similar rides have taken place in more than 70 cities worldwide since 2004. The bicyclists pedaled several miles through the city on Sunday evening.

Where all roads lead to a node Grid operator will flip the switch on system to ease power congestion

Houston Chronicle, 09/05/10

Summary: The state's main electricity grid operator soon will switch on a half-billion-dollar system to relieve congested power lines as part of a plan it says will save consumers money. Proponents of the nodal system say it will help lower electricity costs by moving power more efficiently. But critics say consumers, who are ultimately footing the bill, won't see much benefit from the project.

Water quality at smaller lakes not often monitored due to resource constraints

Marshall Messenger, 09/05/10

Summary: A video on the state parks website shows people jumping from a platform into the water at Tyler State Park and maneuvering canoes across the water. It is one of the spots the state parks department directs Texans to for lake, river or creek swimming. It's also one of the many bodies of water in East Texas no one appears to be monitoring for E. coli, a bacteria that can make swimmers ill.

Inhofe versus Coburn Senators spar over earmarks

Tulsa World, 09/05/10

Summary: Oklahoma's two senators are among the most conservative in Congress, but on at least one subject, their views could not be further apart. U.S. Sen. Jim Inhofe, thanks in part to his status as ranking Republican on the Senate Environment and Public Works committee, has brought home tens of millions of dollars in federal funding over the years for a wide variety of Oklahoma projects. And he's darn proud of it.

Many Oklahoma water providers told to clean up their supply

NewsOK.com, 09/05/10

Summary: Nearly 140 public water supplies are operating in consistent violation of state and federal drinking water codes, pumping water containing chemicals linked to cancer, infant illness, and damage to the liver and nervous system. In central Oklahoma, nine public water sites serving about 16,000 customers have orders to resolve environmental compliance issues, records from the state Department of Environmental Quality show.

A flood of asbestos: How much should residents worry?

Seattle Times, 09/04/10

Summary: Even before the health regulators in white moon suits arrived to rake their yards, residents along the Sumas River were arguing over how much to fret about contamination. It began with the floods, in January 2009. When swollen waters spread across farmers' fields and into basements, the muddy torrent deposited something disturbing: extraordinarily high concentrations of cancer-causing asbestos.

Lawsuit filed over wolf program

WMICentral.com, 09/04/10

Summary: The Board of Commissioners of Catron and Otero counties, the Gila National Forest Livestock Permittees' Association, the group Americans for Preservation of the Western Environment (APWE), and several ranches filed a lawsuit in New Mexico federal district court against the U.S. Fish and Wildlife Service (USFWS) and its Director Benjamin Tuggle and the New Mexico Department of Game and Fish (NMGF) and its Director Tod Stevenson over their handling of the reintroduction of the Mexican Gray Wolf program.

LDWF Issues Advisory For Teal Hunters

WDSU, 09/03/10

Summary: Teal season opens Sept.11, and thousands of hunters will make their first waterfowl hunts in the coastal marshes since last winter, Louisiana Department of Wildlife and Fisheries officials said on Friday. Although no areas in Louisiana are closed to hunting due to the Deepwater Horizon oil spill impacts, the LDWF advised hunters that they may encounter cleanup activities, boom protecting habitat and possibly oiled habitat or birds. Some boat launch access points will also be in use for continued cleanup activities.

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shreveporttimes.com

Successes in shale to be shared

By Vickie Welborn • vwelborn@gannett.com •
September 7, 2010

As predicted several years ago, water has become a critical limiting factor as the natural gas industry expands from one shale play to the next, according to Gary Hanson, director of the Red River Watershed Management Institute at LSU-Shreveport.

Hydraulic fracturing is required in all of the gas shale plays and it is crucial that industry continues to work with northwest Louisiana communities and voluntarily use predominantly surface water or the Red River Alluvial Aquifer instead of the limited Carrizo-Wilcox groundwater for fracing.

"By addressing our water concerns in a proactive manner and allowing development to proceed in a responsible way, we are a model to other areas of the country where unfortunately, fear, instead of facts, is driving resistance to shale gas development," Hanson said.

As a result of Louisiana's success, Hanson has been invited to several water and energy venues in the Southwest and on the East Coast to share the story and lessons learned. In one of the sessions set next month in Pennsylvania, Hanson will be joined by Lt. Gov. Scott Angelle, state conservation Commissioner Jim Welsh and Mike Mathis of Chesapeake Energy.

Other conferences will be in Houston, Pittsburgh and Baltimore. The Baltimore event in October, sponsored by the Water Research Foundation, is pulling together experts to evaluate water quality concerns related to hydraulic fracturing. One of the speakers will be Robert W. Puls, director of research for the Environmental Protection Agency's Ground Water and Ecosystem Restoration Division.

"It is a real honor to be asked to participate in this expert workshop formed to evaluate hydraulic fracturing and gas shale development," Hanson said.

As an example of what other area's of the nation are facing, Hanson notes in the Marcellus Shale, which stretches into Pennsylvania and New York, poor groundwater aquifers exist and major river systems are being used for well stimulation.

New York has a drilling moratorium in place, and "well-meaning groups have incited the public to a point that regulators and scientists, whom I have spoken with, say it is basically impossible to get out objective facts about gas well drilling and hydraulic fracturing. Their greatest concerns are landscape change, excessive water use and fears that fracing may contaminate their drinking water and environment. Facts, not fear, should drive the development efforts," Hanson said.

In south Texas, the Eagle Ford play is drawing a lot of interest from the oil and gas industry. It extends 250 miles from southeast of Austin to the Mexican border.

In much of the play, existing deep water wells are being utilized for drilling and stimulation because it's too expensive to drill water wells. In areas near the border, no groundwater exists, so limited surface water is used. Also, encounters with Mexican drug runners and human traffickers make it dangerous for water transfer specialists to work there.

"Caddo, Bossier, DeSoto and Webster parishes, as well as the Red River Waterway Commission, Sabine River Authority, city of Shreveport, Metropolitan Planning Commission and LSUS should be commended for their efforts to preserve and protect our water resources here in northwest Louisiana," Hanson said.

shreveporttimes.com

The state's Legislature and Department of Natural Resources acted in a proactive manner by developing groundwater legislation here in Louisiana about six years before the Haynesville boom started. Recent water policies, including the newly adopted surface water use law, are being driven by the Haynesville activity.

However, DNR's approach shows "institutions that are typically considered rigid and inflexible can in fact become flexible and adaptive with the right leadership," Hanson added. "In an unprecedented manner, but typical of his hands-on management style, Scott Angelle (interim lieutenant governor) has chaired numerous and lengthy Ground Water Commission meetings throughout the state. This has given Louisiana residents, statewide, the opportunity to attend and have their water concerns heard."

Purchase this Photo

Pad sites from the Haynesville Shale are seen from the air in the area of south Bossier Parish and Lake Bistineau. As predicted several years ago, water has become a critical limiting factor as the natural gas industry expands from one shale play to the next, a local expert says. (Greg Pearson/File/The Times)

UPCOMING WORKSHOPS

Gary Hanson, director of the Red River Watershed Management Institute at LSU-Shreveport, will share information about how Louisiana is addressing water concerns in the Haynesville Shale development in four upcoming workshops. Lt. Gov. Scott Angelle and state Conservation Commissioner Jim Welsh will be part of one panel.
The meetings are:
n Sept. 15: ShaleEnergy Eagle Ford Conference, Houston. Hanson's topic is "Shale Gas Plays: Implementation of successful adaptive water use strategies by development of flexible public/private partnerships.
n Sept. 29: Water/Energy Sustainability Symposium at the Groundwater Protection Council's annual forum, Pittsburg, Pa. Hanson's topic: "Louisiana Haynesville Shale Model: Finding Success through Development of Flexible Institutions and Balances Adaptive Water/Energy Management."
n Oct. 11: 2010 Marcellus Summit sponsored by Penn State University and the Interstate Oil and Gas Compact Commission, Penn State University. The panel of Hanson, Angelle, Welsh and Mike Mathis of Chesapeake Energy will discuss "Creating Successful Community Partnerships "" Carrizo-Wilcox Aquifer Collaboration in Louisiana."
n Oct. 27-28: Expert Workshop sponsored by the Water Research Foundation, Baltimore Md. Hanson will join experts to evaluate water quality concerns related to hydraulic fracturing.

Ozone reductions not seen in Barnett Shale region

by BRETT SHIPP

WFAA

Posted on September 6, 2010 at 10:00 PM

Updated Monday, Sep 6 at 6:15 PM

DALLAS - As the federal government tightens its restrictions on acceptable levels of ozone, local environmental officials are expressing a growing level of concern.

While ozone levels are dropping overall in Texas, there is one particular region where the pollutant is apparently finding stronghold, the Barnett Shale.

The morning sun over downtown Dallas can be illuminating, in more ways than one. When pollution is bad, there is no mistaking it. But, recent testing says the air over Dallas is getting better. There have been dramatic drops in particulate matter and ozone in the past few years. Emission controls and cleaner burning engines are paying off.

But, according to preliminary results of research being released, the gains being made in the Dallas area are being offset by a curious stagnation of ozone levels west of Dallas.

"There is something unusual happening in western Tarrant County in Denton County and Johnson County and Parker County because the NOx levels in that area are not dropping the way you see in the middle of Dallas or in the areas around Houston," said Al Armendariz, the EPA regional administrator, while speaking last week at an environmental summit at the EPA headquarters in Dallas.

As regional stakeholders met to discuss beefing up their research efforts, the Barnett Shale was the recurring theme, specifically a disconcerting lack of progress in the reduction in Nitrogen Oxide (NOx), a precursor and predictor of ozone.

While Dallas has seen a dramatic drop off on ozone, research being conducted by Dr. David Allen, of the University of Texas, indicates "ground level NOx concentrations remain constant in Tarrant and Denton Counties."

Jim Schermbeck, a leading environmental activist, said he's been raising questions about elevated emissions in the Barnett Shale for years.

"The Barnett Shale stands out," he said. "We have twice the number of wells being drilled; we have new pipelines; we have new compressors. "

But, not everyone is buying it. Arlington City Councilman Mel LeBlanc said automatically placing the blame on the Barnett Shale is a predictable ploy.

"But, to hear that there's an elevated level of NOx in the Barnett Shale peaks my interest, and certainly led me to ask the question, 'Where's the evidence? Where's the proof on this?'" he said. "Nothing was produced."

Scientists agree more research needs to be done. Regardless, if the region is to meet new and stricter EPA standards, more sacrifices will be expected, and not just in the Barnett Shale.

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Add another comment

LOCAL NEWS

Quality of air a regional problem

EPA gives Denton, other counties until 2013 to comply with standards

07:05 AM CDT on Tuesday, September 7, 2010

By Bj Lewis / Staff Writer

Denton County was among a number of North Texas counties the Environmental Protection Agency recently labeled with “serious non-attainment” status regarding air quality.

County officials are now working to come up with a plan to get the air into compliance, and local representatives believe that goal is not that far off.

“We were 2 parts per million out of attainment,” said County Commissioner Ron Marchant, who sits on the clean air steering committee of the North Central Texas Council of Governments along with Denton Mayor Mark Burroughs.

“Because it was not as far off as it could have been, [the EPA] gives you a couple years to reach attainment,” Marchant said. The task force has come together to figure out ways to reduce the amount of ozone and other gases that pollute the air, he said.

Marchant noted that many variables, such as wind direction, can affect air quality on any given day, let alone the three-year period the counties have been given to meet the standard.

“You can’t just look at it as one county reaching attainment. So many things that affect our county we don’t generate ourselves,” he said.

Marchant said the counties — Denton, Dallas, Tarrant, Collin, Johnson, Ellis, Parker, Rockwall and Kaufmann — need to work together on solutions.

The counties had until June 15 of this year to reach attainment. With this new reclassification, the counties will have until June 15, 2013, to implement strategies to improve the air quality.

An interesting note is that if Denton County stood by itself, the air is meeting the ozone standard, said Carrie Paige, an environmental scientist with the EPA.

“Because they are part of the non-attainment area, they are still subject to the requirements,” she said.

But it is good the air quality is improving, because Denton County has an effect on the Dallas-Forth Worth area as a whole, Paige added.

“You could say Denton County is improving air quality for the entire area,” she said.

Paige speculated that more stringent requirements may be put in place, which would require more work from state officials. Those rules could target certain pollutants in the air as well as require more transportation controls. Many strategies have been in place already in many of the counties, she said.

Some of those ideas and plans of action are steered by concerns over gas and oil drilling in the region, Marchant said, and the committee wants more information from the EPA and the Texas Commission on Environmental Quality.

“One of the big emphases we’re placing on the two agencies is to report back to the steering committee how much of this non-attainment is due to gas and oil drilling in the western part of county,” he said.

No agency has been able to give county officials a definite answer about how many wells are in the ground, how many wells are producing gas or oil after they are drilled, and how they affect water, Marchant said.

“There are so many things there, and those two agencies cannot answer very many questions,” he said. “It’s that kind of information you need, that municipalities need to put together programs to help. You have to have the correct data to make correct decisions and that is what we’re hoping for.”

BJ LEWIS can be reached at 940-566-6875. His e-mail address is blewis@dentonrc.com .

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Local News

New toxins report released

TCEQ inspectors revisit Dish; elevated levels of formaldehyde found

11:12 PM CDT on Saturday, September 4, 2010

By Peggy Heinkel-Wolfe / Staff Writer

DISH — State environmental inspectors returned to Dish in mid-June after Mayor Calvin Tillman disclosed to the public that both his young sons recently woke in the night with heavy nosebleeds.

Inspectors sampled the air for compounds they didn't test for in previous visits, including formaldehyde, a known carcinogen, along with 16 other carbonyl compounds that are byproducts of combustion. Formaldehyde is not one of the toxic compounds regularly measured by permanent air monitors, such as the one installed in April at Clark Airport in Dish.

Natural gas facilities in and around the 2 square miles of Dish, population 125, include four metering stations, 11 compressor stations and more than 20 major gathering pipelines.

Texas Commission on Environmental Quality inspectors again found elevated levels of toxic compounds, according to a report released in mid-August.

Inspectors found formaldehyde in all of the places they sampled, both during the day and at night. Twelve samples were taken near natural gas production facilities. Six others were taken as "airshed" samples, to see how emissions were dispersing farther away from the equipment.

According to the report, all 18 samples had detectable levels of multiple compounds.

The report noted the highest reading of formaldehyde at 4.8 parts per billion, found near a compression site and near a well site, and of acrolein at 0.15 ppb, found near a compression site.

According to the Agency for Toxic Substances and Disease Registry, a sparsely populated area would normally have about 0.2 ppb of formaldehyde in the air, or 24 times less than detected levels. Acrolein normally measures about 0.12 ppb in rural air.

TCEQ released the findings without an accompanying statement from the agency's toxicology division, an occasional practice when compounds are found at levels that pose a concern for long-term exposure. Tillman said he was frustrated that, because the findings were below short-term levels of concern, no enforcement action would be taken.

caller.com
CORPUS CHRISTI, TEXAS

Las Brisas: Moving hearing could cause major delays

By Denise Malan

Friday, September 3, 2010

CORPUS CHRISTI — A six-week delay in the Las Brisas Energy Center air permit case could turn into years, the company said in court documents.

Las Brisas attorney John Riley asked two judges in the case to reconsider their order, issued Thursday, delaying a hearing set for next week until mid-October. The judges also moved a deadline for issuing their recommendation in the case from Nov. 1 to Dec. 10.

That is a critical deadline for the project, Riley said in the motion. The judges' recommendation goes to the three Texas Commission on Environmental Quality commissioners, who make the final decision in the case.

The final commission meeting of the year is Dec. 14. New Environmental Protection Agency guidelines for greenhouse gas emissions go into effect Jan. 2. States have been instructed they can't issue permits known as prevention of significant deterioration permits after that date.

Texas is fighting the EPA rule, but the federal agency also is preparing to issue the permits itself for Texas and other states that don't comply. The federal permits are meant to ensure that large new projects will not cause an area to go over air pollution limits.

Riley said in the document it is unclear what will come of the greenhouse gas rules, but at risk is an overhaul of the permitting process that could delay for years all projects now in the permitting process, including Las Brisas. The process already has taken years; the company applied for its permit in May 2008.

"The Las Brisas Energy Center is a three-year effort that could suffer significant financial and procedural harm if its air quality permit is not considered by the commission before Jan. 2, 2011," Riley wrote.

Judges Tommy Broyles and Craig Bennett agreed to delay next week's hearing after an expert witness for opponent Environmental Defense Fund was injured in a wreck Tuesday. Riley asked them to reconsider the delay or, if it stands, to require weekly

updates from the parties to continually assess whether the delay is necessary.

The hearing is a continuation of a two-week hearing Bennett and Broyles oversaw in November in Corpus Christi. After that hearing, the judges issued a recommendation that the commission should either deny the permit or send it back to Texas Commission on Environmental Quality staff for further review. Instead, the commission in June sent the issue back to the judges to hear more evidence on seven points.

The points deal with pollution emissions from handling petroleum coke, limestone and other materials and with how the company estimated the effect of its emissions on the overall air pollution in the area.

September 3, 2010

Spotlight Shifts to Shallow-Water Wells

By CLIFFORD KRAUSS and JOHN M. BRODER

For decades, thousands of oil and gas platforms have operated quietly in the shallower waters of the Gulf of Mexico, largely forgotten by the public and government regulators.

But just as the BP disaster in April brought new scrutiny to the dangers of drilling in the deepest waters of the gulf, Thursday's fire aboard a platform owned by Mariner Energy could well drag the shallow-water drillers into the spotlight's glare.

The Bureau of Ocean Energy Management, Regulation and Enforcement, the new agency responsible for overseeing offshore oil and gas development, said Friday that it was investigating the cause of the Mariner fire, which forced the 13 crew members to jump overboard and rattled nerves in a region that was still coping with the effects of the Deepwater Horizon disaster.

Members of Congress expressed alarm about the accident, with some saying it was proof that drilling laws needed to be tightened. And even industry executives said it was likely the fire would toughen the already difficult regulatory climate for gulf drilling after the Deepwater Horizon explosion killed 11 people and caused the largest maritime oil spill in American history.

"We will use all available resources to find out what happened, how it happened and what enforcement action should be taken if any laws or regulations were violated," said Michael R. Bromwich, head of the bureau, which replaced the discredited Minerals Management Service after the BP disaster.

Mr. Bromwich has been carefully reviewing shallow-water drilling as he draws up new regulations governing the industry. The agency, which imposed a six-month moratorium on all deepwater projects after the BP accident, has approved only four of 21 new shallow-water drilling applications since it issued new safety and environmental guidelines in late May.

Representative Nick Rahall, Democrat of West Virginia and chairman of the House Natural Resources Committee, said he was "alarmed" by the latest mishap in the gulf and demanded

documentation on the Mariner platform from the Interior Department for a committee investigation.

He said the Mariner platform, working in only 340 feet of water, “highlights all too clearly that the risks of offshore drilling are not limited to deep water.”

Although more than 70 percent of all offshore oil production now comes from jumbo oil platforms plumbing the gulf’s deeper waters, thousands of small-scale outfits pump oil from the shallower waters. Currently, 3,333 platforms are drilling in depths of less than 500 feet, compared with just 74 in deeper waters, according to B.O.E.M. data.

The kind of accident that set the Mariner platform ablaze is not unusual. Although the cause is still under investigation, it appears to have started in the crew’s quarters and did not lead to any significant oil leakage.

Under normal circumstances, such an event would have received little attention. There are more than 100 fires a year on oil and gas facilities in the gulf, mostly minor incidents involving welding sparks, grease fires and other mishaps that occur during routine maintenance.

“People need to remember that the environment that people work in offshore is really no different from other industrial plants located onshore,” said Thomas E. Marsh, vice president of operations for ODS-Petrodata, which tracks the offshore industry. “And industrial accidents happen regularly, but not commonly.”

But industry experts say that most accidents happen aboard older platforms that tend to be concentrated in shallow waters.

Mariner operations alone have reported several dozen incidents, including 18 fires, from 2006 to 2009, according to federal records. Although no one died, there were at least three dozen injuries, including one that paralyzed a worker. Several others suffered severe injuries, and some received burns and broken bones. In May 2008, a Mariner rig briefly lost well control and partly evacuated the crew while workers frantically worked to shore up operations.

In addition, since 2006, Mariner Energy has been involved in at least four spills, in which at least 1,357 barrels of chemicals and petroleum flowed into the gulf, according to federal records.

Patrick Cassidy, Mariner’s director of investor relations, said that the company only seriously got into the offshore drilling business in 2006 with its acquisition of properties of the Forest Oil Corporation. “Since Mariner has been operating there, we have steadily improved our performance,” he said. “The performance yesterday is indicative of the improvement. There were no injuries, no spill, and the fire was extinguished.”

Early reports of Thursday's accident suggested another spill had occurred. But Coast Guard officials said on Friday that only a patch of light rainbow sheen, measuring about 100 yards by 10 yards, had been spotted in morning flights over the area around the platform. The sheen appeared to be residual from the firefighting efforts, the Coast Guard said.

Nevertheless, the Mariner accident has already stoked the intense policy debate over stiffening regulations on shallow-water drillers.

"It will likely provide sufficient political cover for the Obama administration to pursue its current strategy toward stricter offshore regulation," Robert Johnston of the Eurasia Group, a research and consulting firm, said in a note to clients on Friday. "Even after the formal moratorium is lifted, the pending oil-spill legislation and proposed changes by the Interior Department will translate to higher costs and extended uncertainty for offshore drilling."

Oil production in the deep slopes and canyons of the Gulf of Mexico surpassed production from shallow waters roughly a decade ago. But for half a century before that, scores of oil and gas companies, big and small, made their fortunes from platforms propped up in waters less than 1,000 feet deep on the inner continental shelf, which can extend for 100 miles or more off the coasts of Texas and Louisiana.

According to data published in July by the Energy Policy Research Foundation in Washington, more than 50,000 wells have been drilled in the gulf's federally regulated waters since oil production in the area first began in 1947. Only 4,000 of those have been drilled in depths beyond 1,000 feet, and just 700 wells have gone beyond 5,000 feet.

Independent oil and gas companies — far smaller than the majors like Exxon Mobil and BP — represent the dominant shareholders in two-thirds of the 7,521 leases in the gulf, including the vast majority of the production leases in shallow waters.

According to a recent study by IHS Global Insight, the independents produced nearly 500,000 barrels a day of oil last year in shallow gulf waters, while the majors produced just over 20,000 barrels a day there.

But the new accident came at an inopportune time for the oil industry. After BP capped its runaway well and the spill faded from news media coverage, political pressure had grown in the gulf and around Washington to lift the drilling moratorium.

Now, the momentum is likely to shift again.

"This explosion is further proof that offshore drilling is an inherently dangerous practice," said Senator Frank R. Lautenberg, Democrat of New Jersey, an opponent of offshore oil and gas

development.

James W. Noe, senior vice president of Hercules Offshore, the largest shallow-water drilling company in the gulf, said he thought the administration and regulators would use the incident to further slow drilling.

“People that have an agenda that is hostile to offshore drilling will use this incident, there’s no doubt about that,” he said, “But once the facts are understood fully, this will be treated as an industrial accident that could have occurred at a gas station around the corner. It’s just bad timing.”

Andrew W. Lehren and Tom Zeller Jr. contributed reporting.

September 8, 2010

Report by BP Finds Several Companies at Fault in Spill

By IAN URBINA

WASHINGTON — The oil giant BP said Wednesday in its internal report that a series of failures involving a number of companies ultimately led to the huge oil spill in the Gulf of Mexico.

“No single factor caused the Macondo well tragedy,” BP said in a statement about the report. “Rather, a sequence of failures involving a number of different parties led to the explosion and fire which killed 11 people and caused widespread pollution in the Gulf of Mexico earlier this year.”

Conducted by the company’s safety chief, Mark Bly, and a team of about 50 mostly BP employees, the inquiry was initiated almost immediately after the April 20 explosion that killed 11 and spilled almost five million barrels of oil into the Gulf of Mexico.

Citing “a complex and interlinked series of mechanical failures, human judgments, engineering design, operational implementation and team interfaces,” the 193-page report deflects attention away from BP and back onto its contractors, especially Transocean, which owned the rig, and Halliburton, which performed cement jobs on the well.

The report, which took about four months to complete, focuses less on decisions that BP made in designing and drilling the well than on what rig workers, mostly from Transocean, did after the blowout occurred.

“To put it simply, there was a bad cement job and a failure of the shoe track barrier at the bottom of the well, which let hydrocarbons from the reservoir into the production casing,” BP’s outgoing chief executive, Tony Hayward, said in a statement on Wednesday. “Based on the

report, it would appear unlikely that the well design contributed to the incident, as the investigation found that the hydrocarbons flowed up the production casing through the bottom of the well."

While it puts some responsibility on BP for errors made — such as misreading pressure data that indicated a blowout was imminent — the report tries to undermine the notion that the company acted with gross negligence.

Among its most significant conclusions, the report said that the blowout came up the center of the pipe and not up the outside of the well casing, the area known as the annulus.

If true, the finding is significant because it plays down the importance of certain BP decisions that have been criticized as negligent. One such decision was BP's choice of a type of well casing that internal documents indicated the company knew was cheaper but riskier. Another such decision was BP's use of fewer-than-advised centralizers, devices that are meant to keep the casing properly positioned.

Because of its authorship, the report is unlikely to carry much weight in influencing the Department of Justice, which is considering criminal and civil charges. It is, however, a first glimpse at BP's probable legal strategy in defending itself and it represents the first in a series of such reports in the coming months.

The report faults Transocean workers for failing to recognize and act on the influx of hydrocarbons into the well for more than 40 minutes until the hydrocarbons were in the riser and rapidly flowing to the surface.

And the report adds that the well-flow was routed to a mud-gas separator after it reached the rig, causing gas to be vented directly onto the rig rather than diverted overboard.

The flow of gas into the engine rooms through the ventilation system created a potential for ignition that the rig's fire and gas system did not prevent, BP investigators found.

In recent testimony, BP executives have pointed out the blowout preventer did not go through an extensive certification as required by federal regulations, a fact which was earlier documented in internal Transocean equipment reports

“Even after explosion and fire had disabled its crew-operated controls, the rig’s blow-out preventer on the seabed should have activated automatically to seal the well,” the report concludes. “But it failed to operate, probably because critical components were not working.”

Investigators found there were several failures involving the blowout preventer.

Shortly after the initial explosion, an attempt to activate a set of shear rams — which would have cut the drill pipe, allowing the rig to move away, and sealed the well — failed, probably because electrical control lines on the rig were damaged in the explosion. A battery-powered backup system also failed, the investigators said, probably because of problems with both of the blowout preventer’s control pods, which are identical boxes containing electric valves that regulate the flow of hydraulic fluid. Only one pod had to work, but the investigators said that one had a battery that was nearly dead while the other had a defective valve.

BP did not have a chance to analyze the blowout preventer before the company released its report. The failed device was removed from the sea floor on Saturday and sent to a NASA facility in New Orleans where federal investigators are waiting to inspect it.

The report also cited Halliburton for its work in cementing the well. Halliburton designed and pumped a cement seal that investigators have said may have allowed explosive natural gas to enter the well and rush up to the rig.

“The cement and shoe track barriers — and in particular the cement slurry that was used — at the bottom of the Macondo well failed to contain hydrocarbons within the reservoir, as they were designed to do, and allowed gas and liquids to flow up the production casing,” BP investigators said.

The finding is in keeping with a claim that BP executives have made repeatedly in recent weeks.

In testimony, Halliburton executives have responded by arguing that they were following BP’s orders and by pointing to e-mails from April 18 in which Halliburton executives warn BP of a potential “severe gas flow problem.”

But BP executives have highlighted other internal documents provided to The New York Times that they say show Halliburton’s confidence in its cementing job.

“We have completed the job and it went well,” one Halliburton worker wrote about the cement work in an e-mail only hours before the explosion. “Full returns were observed throughout.”

However, several engineers who were asked to review the documents said that the warnings from Halliburton were clear and firm. They also pointed out that ultimate responsibility for decision-making on the rig rested with BP.

The report contains 25 recommendations for preventing a future disaster, in areas such as oversight of contractors.

Henry Fountain contributed reporting from New York.

Feds find no dead zones caused by BP's oil spill

Study suggests dispersants were used properly

By MATTHEW TRESAUGUE
HOUSTON CHRONICLE
Sept. 7, 2010, 8:32PM

Bacteria feeding on oil leaked from BP's ill-fated well have not sapped oxygen levels in the Gulf of Mexico, a new federal study concluded Tuesday.

Researchers found a 20 percent drop in oxygen levels within 60 miles of the well head into August, but the levels weren't low enough to create "dead zones" that are harmful to marine life.

The findings suggest BP and federal officials properly used chemical dispersants at the mile-deep well head, not just at the surface, to break oil into tiny droplets that are easier for naturally occurring bacteria to digest, said Steve Murawski, the National Oceanic and Atmospheric Administration's chief scientist for the spill response.

"Did we hit the sweet spot here? To some extent, that's true," Murawski said.

Scientists have warned that if the chemicals are too successful and allow a surge in bacteria, the microbes can use up all the oxygen in the water and kill the fish and other organisms. Dispersants also can hide the oil below the surface.

A recent study by the Woods Hole Oceanographic Institution concluded there was little "appreciable" surge in bacteria growth and oil consumption around a subsea plume that stretched more than 20 miles from the BP well.

A handful of studies have been conducted on the impacts of the spill on the Gulf of Mexico ecosystem, but there is little agreement on the extent of the damage.

"I certainly hope they are correct because it would be one less issue of concern, but I am not yet convinced we can sound the all clear on this one," said Larry McKinney, executive director of the Harte Research Institute for Gulf of Mexico Studies in Corpus Christi.

Since BP began using the chemicals, federal scientists have been looking for signs of unusually low oxygen levels and had not found them.

For the latest report, the multiagency team based its findings on measurements taken from 419 locations in the Gulf over three months.

Oxygen levels didn't drop too low partly because of the mixing of oxygen-rich waters with depleted areas in the Gulf, Murawski said, adding that they needed to drop 75 percent for the water to be considered a dead zone.

The Gulf already has a dead zone that forms off the Texas and Louisiana coasts each summer.

The oxygen-starved area is caused by the Mississippi River's discharge of nutrients – primarily commercial fertilizers – from Midwestern states. Sometimes fish can swim away from dead zones, but many bottom-dwellers simply die.

matthew.tresaugue@chron.com

September 7, 2010

Documents Fill in Gaps in Narrative on Oil Rig Blast

By JAMES C. McKINLEY Jr.

LAFAYETTE, La. — In a quiet suburb of this oil town, there is a spacious brick house with all of the shades drawn. Inside is a graying and pale man who knows as much as anyone about what happened on the Deepwater Horizon drilling rig the day it exploded in the Gulf of Mexico. He is not talking.

“No comment, no comment,” says Donald J. Vidrine, who was one of two “company men,” or well-site leaders for BP, when a surge of gas caused a blowout and fire on April 20, killing 11 men and starting one of the largest oil spills in United States history.

Mr. Vidrine, who was the most experienced and highest-ranking BP manager on the floating oil rig, has been mentioned frequently during hearings into the disaster, along with the name of the other, less-experienced well-site leader, Robert Kaluza.

Together the two men oversaw critical tests in the two days leading up to the explosion, and Mr. Vidrine, who is 62, overcame his apparent doubts about the well’s integrity and made a momentous decision that led to the accident, according to the testimony of others. He gave the order to replace heavy drilling mud in the riser pipe, which leads from the rig to the well’s head, with lighter seawater, a necessary step before capping the well.

That decision made it impossible for the drilling crew to control a surge of natural gas from deep within the well, leading to the blowout. The rig burned and then sank two days later. More details about the events may come to light Wednesday, with the release of BP’s internal investigation into the disaster.

Mr. Vidrine has refused three times to appear at hearings into the disaster held by the Coast Guard and federal regulators, saying he is in ill health.

Mr. Kaluza, 60, who had been on the rig for only a few days, has also declined to appear, citing his Fifth Amendment right to avoid self-incrimination. Both face possible federal criminal

charges.

In hearings, witnesses from BP and the various subcontractors involved in the project have painted a picture of Mr. Vidrine as the pivotal figure in the drama preceding the disaster.

The roles of Mr. Vidrine and other managers on the rig are also being scrutinized as the companies involved in the disaster argue over liability.

Worried about an unexplained high-pressure reading in the drill pipe, Mr. Vidrine insisted on a second pressure test to make sure there was not an explosive bubble of gas building up in the well, even though senior members of the drilling team for Transocean, the Swiss company that owns and operated the rig, thought another test was unnecessary, according to the testimony of managers and workers on the rig.

In addition, notes from an interview he gave to BP officials investigating the blowout, obtained by The New York Times, show Mr. Vidrine raised concerns about the possibility of a surge of gas, or a kick, with a superior in Houston before going ahead and replacing the mud in the riser pipe with seawater.

Mr. Vidrine said the superior, Mark Hafle, an engineer, responded, “If there had been a kick in the well, we would have seen it.”

In the end, however, Mr. Vidrine made the call that it was safe to proceed, according to the notes and the testimony of several witnesses. He accepted the explanation provided by members of Transocean’s drill team that the high pressure reading in the drill pipe, of about 1,400 pounds per square inch, was no cause for alarm.

These drillers — chief among them the night-shift toolpusher, Jason Anderson, who died in the ensuing fire — insisted they had seen a similar phenomenon before, calling it “annular compression.”

Engineers say they were referring to cases in which the downward pressure from the heavy drilling fluid, known as mud, between the drill pipe and the walls of the well surrounding it pushes the seawater back up the drill pipe, an effect also known in the oil business as “U-tubing.”

Mr. Vidrine, who has 30 years’ experience working on oil rigs both at sea and on land, told lawyers from BP that he had heard about annular compression “but had not seen it before.”

“The toolpusher and the senior toolpusher told me it was this annular compression thing,” he said, according to the notes, dated April 27. “I wanted to do another test.”

Other witnesses, testifying at the Coast Guard hearing, described Mr. Vidrine as wary when he came on duty on the drill floor that day at 6 p.m. to relieve Mr. Kaluza.

It had been an unusually busy day for the two men because not only were they were preparing to seal the well, but four high-level executives from BP and Transocean had also visited the rig for a tour. Mr. Vidrine had skipped sleep and started work early to help shepherd the V.I.P.'s around the rig.

During the day, Mr. Kaluza and Transocean's top manager on the rig, Jimmy W. Harrell, had overseen a "negative pressure test" to see if gas was leaking into the well, through its cement-and-pipe-lined walls or around a series of cement plugs.

The test involved replacing the heavy drilling fluid in the drill pipe with seawater down to 8,300 feet to see if the well would start to flow, an indication the well's walls or plugs might be allowing gas and oil from deep underground to leak in.

Not only did the well flow, Mr. Harrell testified, but the drillers lost at least 23 barrels of drilling fluid during the test. Some drilling experts said that suggested that the well's concrete casing and plugs were not entirely sound.

"They shouldn't be losing any mud at all," said Greg McCormack, an engineer with the Petroleum Extension Service at the University of Texas. "That is an indication that something is wrong somewhere."

Yet Mr. Harrell testified to the marine board that he still believed the test had gone well. He said that some drilling mud was always lost during such tests, and that the amount lost was too small to signal a leaking well.

"It had a good test the first time, but they wanted to do it again once the company man come on — Don Vidrine," Mr. Harrell testified on May 27.

Senior members of the drilling crew agreed with Mr. Harrell and theorized that the pressure in the drill pipe was caused not by a surge of gas deep in the well, but by the U-tubing phenomenon.

Others on the rig were skeptical. Wyman Wheeler, who was the day-shift toolpusher, argued with Mr. Kaluza and others about the pressure and then walked off the drill floor in a huff.

"Bob Kaluza and them was saying it was U-tubing and Wyman was convinced that something wasn't right," recalled a witness, Christopher Pleasant, the subsea engineer.

Mr. Kaluza, who had little experience in offshore drilling, also seemed doubtful, witnesses said. He called a stop to all work until Mr. Vidrine came on duty at 6 p.m.

When Mr. Vidrine arrived, he grilled Mr. Kaluza about the first test for about an hour, Mr. Pleasant recalled.

Mr. Vidrine told BP officials that some members of the Transocean team found his questioning of Mr. Kaluza and his worries about drill-pipe pressure odd. “They found it kind of humorous that I talked about it for a long time,” he said, according to the notes.

Still, Mr. Vidrine insisted on a second test that would be done slightly differently, measuring the upward flow in a smaller line running from the wellhead to the rig known as the “kill line.”

According to the notes, Mr. Vidrine’s theory was that if the pressure in the drill pipe was evidence of a surge of gas deep in the well they would see similar pressure in the kill line.

The precise results of the second test remain an open question. No paper record survived, and neither Mr. Vidrine nor Mr. Kaluza has testified. Mr. Harrell said he left the drilling floor and was told by Mr. Vidrine later “they had a good negative test for 30 minutes.” Other witnesses have reported that Mr. Vidrine told them the same thing.

In his comments to BP, Mr. Vidrine said the second test dispelled his doubts. “There was no indication the gas was coming up,” he said, according to the notes, which are not verbatim.

A short while later, Mr. Vidrine gave the order to start displacing all the drilling mud in both the riser pipe and the drill pipe with seawater, one of the final steps before capping the well and moving the rig to a new spot. He left the rig floor to go to his office and do some paperwork.

Ten minutes later, Mr. Anderson, the night-shift toolpusher, called Mr. Vidrine in a panic and said the drilling mud had begun to spew out of the well, according to the notes. This was around 9:30 p.m., according to witnesses.

“I grabbed my hat and started for the floor,” Mr. Vidrine told BP officials, according to the notes. “It must have taken around 30 seconds to get outside. I went through the short hall and upstairs. There was mud and seawater blowing everywhere.”

“There was then an explosion, a blast,” the notes said.

Everything New Orleans

BP commission hearings scheduled

Published: Tuesday, September 07, 2010, 5:15 AM

Times-Picayune Staff

The next **hearings** by the National Commission on the **BP DeepwaterHorizon Spill** and Offshore Drilling will be Sept. 27-28 in Washington.

View full size

Kerry Maloney, The Associated Press

Mangrove Island, a delicate breading ground for Louisiana's brown pelicans in Barataria Bay, was photographed Aug. 18.

The subject of the hearings will be the response to the spill and waysto restore the environmental damage. The commission hasn't yet releasedthe list of witnesses.

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2theadvocate.com

Agencies: BP plan for beach flawed

- By AMY WOLD
- Advocate staff writer
- Published: Sep 7, 2010

Comments (2)

BP is again seeking permission to use a technique called “surf washing” to finish cleaning the sand at Grand Isle.

The permit is pending through the U.S. Army Corps of Engineers and is similar to one BP withdrew in July from the agency. In that request, BP had asked to use “surf washing” — basically pushing oil-stained sand back into the surf for reworking — at East Grand Terre.

The current permit request seeks to use the technique along Grand Isle and this time the permit includes much more information as well as responses to concerns posed during the last permit process.

Some people and agencies, nevertheless, indicated the additional information still doesn’t address their concerns.

“Even if this surf washing were justified, it make no sense to perform this activity while there is still oil in the Gulf,” wrote Matt Rota, water resources program director with nonprofit Gulf Restoration Network. “Why move forward with this project while there is still a chance for oil to wash up and once again stain/oil the sand?”

According to the permit application, the surf washing technique is meant to remove “traces of oil from stained sands in the final stages of an overall shoreline treatment strategy.”

Moving the stained sands back into the surf is meant to speed up natural oil degradation process, the application says.

The U.S. Environmental Protection Agency wrote that it is concerned that, as proposed, “the surf washing project would essentially reintroduce pollutants into the aquatic environment.”

EPA asked for an outline of the controls that would be used.

“We understand that extensive sand cleaning continues on Grand Isle, and that the beaches there currently appear to be relatively clean. However, it is unclear from the application materials whether there remains a significant risk of buried oils or continued oiling of beach sands,” according to the EPA comments.

In addition, EPA expressed concerns that this could “set an adverse precedent, clearing the way for expanded use of this approach to dealing with oiled sands.” The cumulative effect of using such techniques is unknown, EPA said.

National Marine Fisheries Service also expressed concerns that there was no information in the permit application about the size of the area to be included on Grand Isle and asked that any emergency permit be limited to 20 cubic yards, or 200 linear feet, of shoreline.

The state Department of Wildlife and Fisheries expressed concerns about the amount of sand that might be lost from the island and any impact on bird nesting areas, including habitat for piping plover, a species listed as threatened, according to comments signed by Jimmy Anthony, Wildlife and Fisheries assistant secretary.

A request for comment from BP made with Deepwater Horizon Incident Joint Information Center was not returned by Friday afternoon.

In a previous interview about the Grand Terre permit request, Edward Owens, principal with Polaris Applied Sciences Inc. of Bainbridge Island, Wash., and the shoreline response technical advisor for BP, said the technique has been used in many other places. He said there is a perception problem that the technique dumps oil back into the environment instead of cleaning it up.

The technique works because clays and oil are electrically charged and have a mutual attraction, he explained. This results in increased surface area, allowing natural microbes to break down the oil more easily.

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THE HILL

Tuesday, September 07, 2010

Oil industry admits better spill-response plans are needed

By Ben Geman - 09/07/10 01:26 PM ET

Oil industry task forces formed after the BP oil spill began are defending the use of chemical dispersants while acknowledging the need to beef up the sector's ability to respond to accidents.

The task forces — which brought together an alphabet soup of trade groups and officials from individual companies — on Sept. 3 gave Interior Department regulators two lengthy sets of recommendations on spill response and subsea containment (they can be **found here**).

"The offshore energy industry has stepped up to the plate in response to the Deepwater Horizon tragedy," said Randall Luthi, president of the National Ocean Industries Association, in a statement. "This report is an indication of the tremendous effort and cooperation among industry and their trade organizations in response to the accident."

The new report acknowledges that areas for improvement are "apparent" and calls for a broad array of steps by companies, spill-response organizations and government agencies.

They include new protocols for sharing trained personnel and quickly providing resources to companies that have major spills; working with equipment manufacturers and other parties to assess improved skimming and boom technologies; new research into whether constructing tidal barriers and berms provide a net benefit; working with federal agencies on possible improvements to training exercises and drills; continued work with the American Petroleum Institute and the National Society of Professional Engineers to develop a standard for calculating worst-case and most likely discharge rates for out-of-control wells; and many other proposals.

The recommendations on spill response state that dispersants were effectively employed after the BP spill, calling them a "critical element" in preventing more oil from reaching shorelines.

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"However, misperceptions and knowledge gaps led to unanticipated restrictions on dispersant use," states the report from a task force of the American Petroleum Institute, the National Ocean Industries Association and other trade groups and companies, such as ExxonMobil and Shell. "Industry and government both need to communicate the risks and benefits of dispersant use, as well as the safety and effectiveness of dispersant products. Furthermore, additional research should focus on the behavior and long term fate of dispersed oil in the water column when dispersants are applied near the sea floor."

The report, provided to Interior Department regulators, also said that controlled burns were effective.

The industry plans to improve accident response following revelations of what critics call lackluster planning.

For instance, at a House Energy and Commerce Committee hearing in June, **top Democrats blasted major companies** for having boilerplate — and inadequate — Gulf of Mexico spill-response plans that included references to walruses, a creature not found in the area for millions of years. That led to ExxonMobil CEO Rex Tillerson's acknowledgement at the June 15 hearing that **inclusion of walruses was an "embarrassment."**

Industry officials are presenting the findings at a hearing on offshore safety being held in Houston Tuesday by Interior's Bureau of Ocean Energy Management, Regulation and Enforcement.

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HILLICON VALLEY

Baldwin County looks for state approval to sell oil-stained sand

Published: Tuesday, September 07, 2010, 8:30 AM Updated: Tuesday, September 07, 2010, 8:55 AM

Connie Baggett, Press-Register

BALDWIN REPORT

BAY MINETTE, Alabama — A local waste disposal official is hoping that the state will clear the way to sell spill-contaminated beach sand to an asphalt company.

Magnolia Landfill had taken in some 800 tons of oily sand through Thursday, according to Baldwin County Solid Waste Director Jim Ransom.

“There is very little coming in now,” Ransom said, “but there are still a lot of people at the beach on cleanup crews for tarballs and wash-up. We are down to two or three loads a day, and on the weekends we get none.”

Two other landfills in the area also were permitted to accept the sand: Timberlands, operated by Allied Waste Services in Escambia County; and Chastang, operated by Waste Management in Mount Vernon.

Baldwin County charges $40 per ton for “special waste” like the oily sand, compared to $33 a ton for regular household waste. Under those rates, the sand has generated about $32,000 in fees.

Ransom said that some of the sand still goes into disposal cells, but “we are getting better at segregating the bulk sand. Most of it coming in now is bulk sand.”

County workers screen the bulk sand, he said, sifting about 95 percent of it to remove larger clumps of oil and tar.

“We are talking with an asphalt company now about taking it,” Ransom said. “They might take it for filler in their process.”

The company will first need to obtain a waiver from the Alabama Department of Environmental Management, he said. BP PLC — which has taken responsibility for the Gulf spill — is working to secure the

waiver, he added.

Ransom said the idea of cleaning the sand is all but dropped at this point.

If the asphalt company can acquire the sand, it would pay the county for sifting and for transportation costs, Ransom said.

Ransom said that he expects to get more oily sand this fall, when crews begin an effort to remove layers of oil buried beneath the beach surface.

Scott Hughes, an ADEM spokesman, agreed that loads of sand arriving at all three landfills have tapered off recently. He said he was not aware of the asphalt company negotiations or the requested waiver.

Representatives of Allied Waste and Waste Management could not be reached for comment.

Everything Alabama

Shoe company hopes 'oil spill collection' will raise money for cleanup

Published: Tuesday, September 07, 2010, 7:00 AM Updated: Tuesday, September 07, 2010, 12:40 PM

Dave Helms, Press-Register

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(Photo courtesy Bed Stu)

Bed Stu, a California-based shoe company, will be contributing 100 percent of the profits from selected styles to Gulf of Mexico oil cleanup efforts. The oil spill collection will consist of two of its boat shoe styles with a unique leather treatment.

A small but fashionable shoe label in California got an interesting idea this summer: Put oil-like splotches on selected styles, sell them and then donate the profits to Gulf of Mexico cleanup efforts.

While not a ribbon or bracelet, the idea could still be a catalyst to raise awareness and focus people around the country on the cleanup effort, said Bed Stu spokeswoman Nicole Beltrami.

“We’re all connected,” Beltrami said Thursday by phone from California. “It’s the same ocean for everyone, even though they have different names. It’s the same environment, where we all live.”

The idea of splotching the shoes — which is actually done using a heat and dye treatment that only looks messy — surfaced in June, Beltrami said. The company calls it their “oil spill collection,” and the shoes will be shipped to stores in November, continuing through the spring 2011 fashion season.

Beltrami said part of the company’s motivation for the plan

was to keep people focused on the Gulf's troubles after nationwide media coverage of the spill had died down.

"Years of experimentation led to the combination of scorching, hand-dyeing and wax application that creates the look of this collection," said Bed Stu leather treatment designer Roger Orozco.

New clothing that looks old and worn may sound odd, but has a precedent in such things as distressed jeans and leather jackets.

Magazine disses shoes as 'conspicuous conservation'

The Society Pages says, "If you wear regular shoes and donate to the gulf spill clean up, your altruism is entirely invisible. But if you buy these hideous things, everyone gets to know what a nice guy you are."

One fashion blog called the shoes "battered," which might be why they bring to mind the post-spill Gulf of Mexico. Esquire magazine's Style blog dubbed the product and charity concept as "interesting."

"June was our first conversation about it. By July it went into action, and we showed them at a show in Vegas in mid-August," Beltrami said.

The shoes ship to retailers in November and will retail for about $85, Beltrami said. Bed Stu is looking to sell them through **UrbanOutfitters.com** and Amazon as well as its website, **Bedstu.com**.

Company officials have not yet decided which conservation group with be the beneficiary of its donations.

Bed Stu, whose name is loosely based on Brooklyn's Bedford Stuyvesant neighborhood, employs about 20 people in Camarillo, Calif., and sells to more than 700 stores nationwide. It was founded in 1995 by Roger Orozco.

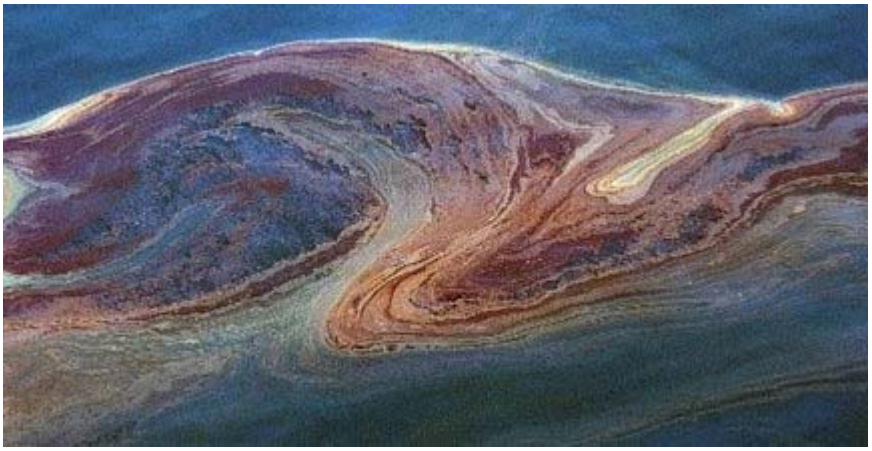
Everything New Orleans

BP gives $10 million to National Institutes of Health to study health effects of oil spill

Published: Tuesday, September 07, 2010, 1:00 PM Updated: Tuesday, September 07, 2010, 1:02 PM

The Times-Picayune

BP announced today it will provide $10 million to the **National Institutes of Health** to fund a study of the public health repercussions of the **Gulf oil spill**. The study will be conducted by BP's **Gulf of Mexico Research Initiative**, established by the company to understand the environmental and health effects of the spill.



Dave Martin / The Associated Press

Oil from the leaking Deep Horizon oil rig is seen on May 6 swirling through the currents in the Gulf of Mexico.

According to BP, the funds are intended to support public agencies and Gulf Coast academic institutions in their research on the potential acute and long-term health impacts of exposures to oil and chemical dispersants. The NIH will govern the distribution of the funds among those agencies and institutions to ensure coordination of efforts.

BP also said that data, measurements, and findings from studies it funds through the NIH would be made "fully and openly available."

Public health was identified as one of the Gulf region's major research priorities at a workshop commissioned by Secretary of Health and Human Services Kathleen Sebelius and conducted by the Institute of Medicine.

The $10 million is part of an ongoing pledge BP made in late May to provide up to $500 million for independent research into the spill's impact.

Recipients of its first round of funding in early June included LSU, the Florida Institute of Oceanography under the University of South Florida, and the Northern Gulf Institute, led by Mississippi State University. Those institutions received between $5 and $10 million for environmental research. BP has said that future funding under the $500 million pledge will be determined in consultation with Gulf state governors' offices.

Everything Alabama

Auburn scientists await new research tool to measure oil still in Gulf waters

Published: Monday, September 06, 2010, 6:20 AM Updated: Monday, September 06, 2010, 7:17 AM

Dave Helms, Press-Register

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(AP Photo/BP PCL)

In this July 14, 2010 combination of two file photos made from images taken from video provided by BP PLC oil flows from two of three valves on the new 75-ton cap atop the site of the Deepwater Horizon oil spill in the Gulf of Mexico at 17:04 CDT, left, and the top of the cap at 14:27 CDT on July 15, minutes after the flow of oil was choked off. A team of Auburn University scientists is awaiting delivery of a FlowCAM -- part microscope and part high-speed camera -- as it begins to assess the amount of oil persisting in Gulf waters and its possible long-range effects on seafood.

A team of Auburn University scientists is awaiting delivery of a FlowCAM — part microscope and part high-speed camera — as it begins to assess the amount of oil persisting in Gulf waters and its possible long-range effects on seafood.

The project is being funded by $143,000 grant from a National Science Foundation program designed to speed resources to experts studying the oil spill's environmental impacts.

The laser-illuminated FlowCAM can do real-time water analysis, documenting any remaining oil droplets, according to Auburn biological science researcher
Anthony Moss.

Recording up to 10,000 images a minute, it will also enable scientists to examine the number of tiny planktonic organisms — measuring from 3 microns to 3 millimeters — as well as spot even microscopic oil droplets, Moss said.

Oiled plankton can ultimately pose dangers to humans as popular food fish concentrate plankton-derived petroleum in their tissues, according to Moss.

“We will follow changes in the plankton as the oil disperses,” Moss said.

He said, “This will allow us to predict the impacts of future spills on the coast, and how long the impacts will last.”

Moss is working with Kenneth Halanych and Mark Liles of the College of Sciences and Mathematics and Alan Wilson of the Department of Fisheries and Allied Aquacultures in the College of Agriculture.

Moss, who was in Mobile on Thursday for a meeting with other researchers, said he couldn’t offer a verdict, for now, on the safety of Gulf seafood. “I just don’t have the data yet, and ultimately that’s what we’re looking for,” he said.

When the FlowCAM arrives in several weeks, the Auburn team will begin doing research off the Alabama coast, starting with areas where the water column is thought to contain little to no oil.

“On the order of a month or two we’ll be able to answer questions in a sensible way,” Moss said. “That’s how fast this instrument is, that’s its job, giving you real-time information.”

Everything New Orleans

5 key human errors, colossal mechanical failure led to fatal Gulf oil rig blowout

Published: Sunday, September 05, 2010, 6:00 AM Updated: Sunday, September 05, 2010, 3:08 PM

David Hammer, The Times-Picayune

A string of mistakes, first by people, then by a supposedly fail-safe machine, sealed the fates of 11 rig workers and led to the **fouling of the Gulf of Mexico** and hundreds of miles of its coastline.

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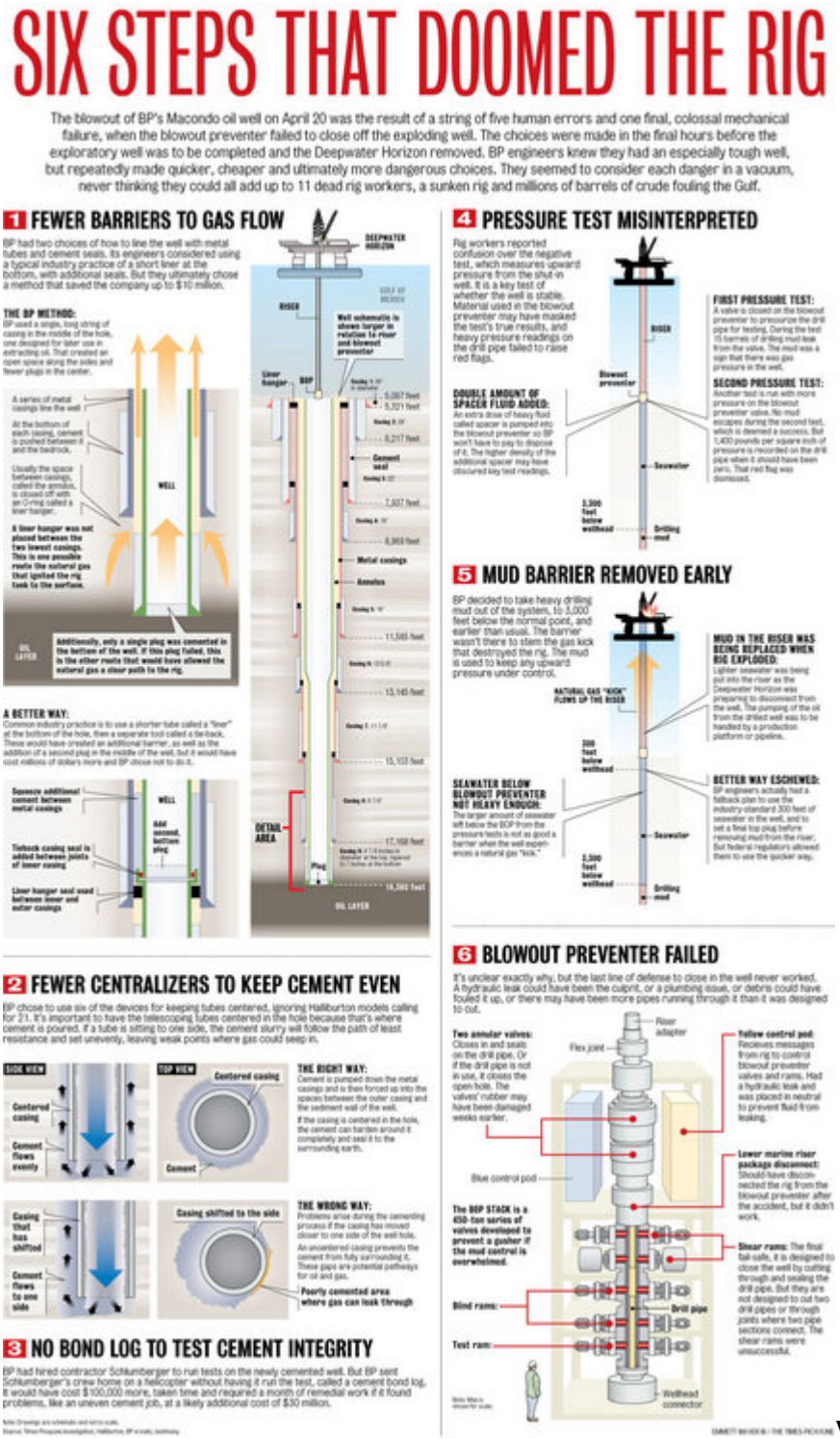
The Deepwater Horizon oil rig burns and collapses into the Gulf of Mexico on April 22, two days after the well blew, killing 11 workers on board the rig.

More than 100 hours of **testimony before a federal investigative panel**, two dozen congressional hearings and several internal company reports have brought the genesis of the spill into sharp focus. The record shows there was no single fatal mistake or cut corner. Rather, five key human errors and a colossal mechanical failure combined to form a recipe for unprecedented disaster.

The rig's malfunctioning blowout preventer ultimately failed, but it was needed only because of human errors. Those errors originated with a team of BP engineers in Houston who knew they had an especially tough well, one rig workers called "the well from hell." Despite the well's orneriness, the engineers repeatedly chose to take quicker, cheaper and ultimately more dangerous actions, compared with available options. Even when they acknowledged limited risks, they seemed to consider each danger in a vacuum, never thinking the combination of bad choices would add up to a total well blowout.

Tens of thousands of offshore wells have been drilled without incident. Drill teams often face difficult conditions miles down in a hole, but they use a battery of tests and equipment to proceed safely. That's why the first time BP went with the less-than-safest option -- choosing a well structure with fewer barriers against kicks of gas -- nobody batted an eye.



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Plenty of wells had used a similar structure of metal tube linings. Halliburton, the cementing contractor, simply recommended more devices called centralizers to make that design safer. But the second misstep came when BP's engineering team ignored Halliburton.

Again, that shouldn't have caused a panic: The British oil giant had another contractor on board the rig to definitively test the well's integrity once the cement was in place. But then a third money-saving and time-saving corner was cut: BP decided to send that contractor home 11 hours before the accident, without running the test.

Rig officials might have been able to do without that test if they had correctly interpreted the readings from a subsequent pressure test. But expert testimony and documents suggest key error No. 4 occurred when rig officials erroneously viewed that test as a success.

Maybe none of that would have led to a blowout, if BP hadn't made questionable decision No. 5: replacing heavy drilling mud with light seawater in the mile-long riser connecting rig to well, and in the top third of the hole itself, before setting a final plug.

And lastly, removing that mud barrier, the principal defense against gas kicking to the surface, might not have been fatal if the rig's blowout preventer, the massive metal stack that shuts off the well in an emergency, had functioned properly. It did not.

As money pressures mount, caution cast aside

The Macondo well, in the Mississippi Canyon 50 miles southeast of Venice, vexed both the men who designed it and the ones who drilled it. The Transocean rig Marianas drilled a shallow portion of the well, but had to go back to a shipyard for hurricane repairs last November. In February, Transocean's Deepwater Horizon moved in to take its place.

Gulf oil spill stories, photos

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The troubles continued. Daily drilling reports show that on March 10, hydrocarbons flowed into the well in a sand layer several thousand feet above the oil reservoir, and a piece of drill pipe got stuck. The pipe was never retrieved.

Rig workers and engineers say they lost thousands of barrels of drilling mud during the process and don't know why. The heavy mud is a principal barrier against gas kicks, and also helps keep drills lubricated and carries earthen shavings out of the way.

The constant problems caused huge delays and extra expense, creating additional pressure on the workers and managers to finish the project quickly and cheaply. Documents show that the Deepwater Horizon had been scheduled to drill a different well 43 days before the accident. The Macondo well, budgeted by BP to cost $96 million, had cost at least $40 million more than that when it blew, records show.

BP's Gulf drilling manager, David Sims, acknowledged in testimony that "every conversation, every decision has a cost factor." E-mail messages and reports by BP engineers in the weeks before the accident make reference to money or time savings as they debated methods for closing the well. In each case, they went the cheaper way.

No. 1: Fewer barriers to gas flow

Five days before the accident, BP asked for government permission to change its well design three times in a span of 24 hours. Each request was immediately approved by the U.S. Interior Department, some within minutes.

Independent engineers who have reviewed the design changes say they were baffling. They were questioned at BP, too. An internal company document from mid-April acknowledged a single, long tube running through the center of the 13,000-foot well would leave a side space for hydrocarbons to shoot up, with only one seal to stop a blowout. Computer models raised questions about whether the design would result in a weak seal on the well's walls.

Typical industry practice for exploration wells, according to numerous engineers, would be to run a short tube to line the bottom 1,500 feet of the hole. That liner would hook onto a bigger tube above it, which would tie back to the top of the well, creating an additional barrier blocking natural gas from flowing into the side space between the tubes. It also involved setting an extra plug in the center of the well.

The gas that eventually blew out of the Macondo well either went up the center of the hole or up through a side space. Either way, the industry-endorsed method would have given the drillers one more barrier to slow or halt the gas's attack. A BP document shows that was also once the company's preferred method, though it would have cost as much as $10 million more.

In the operation's final weeks, those cost concerns took over. On March 30, BP engineer Brian Morel, whose name is on the well design documents, wrote that "not running the tie-back saves a good deal of time/money."

Then BP got a measure of safety affirmation. Halliburton ran a computer model April 15 that showed a good cement seal on the walls would be possible with the long central tube, as long as BP used 21 devices called centralizers to help the cement set. An internal BP document called it the "best economic case and well integrity case."

It appears BP was determined to use a long tube in the middle because it would make future oil production operations easier. Often, oil companies drill exploratory wells, strike oil, fill the well with cement and then drill a new well to extract the oil. In this case, BP wanted to be able to plug the exploratory well without filling it in, abandoning it only temporarily so a production crew could tap into the hole Deepwater Horizon had already drilled.

It's not uncommon to convert an exploration well to a production well, but it wasn't something workers on this rig were used to. That left many crew members in uncharted territory.

No. 2: Fewer centralizers to keep cement even

Although BP engineers got confirmation from Halliburton that a long center tube could be safe, they weren't initially keen on spending the extra time and money to install more than six centralizers. The devices help keep the tubes centered in the hole as they telescope downward. If one tube isn't on center, cement poured there will go to the wider side, leaving a weaker barrier on the other side.

Jesse Gagliano, a Halliburton employee who worked in the same office with the BP engineers, warned his clients April 15 of the possibility. BP's Morel responded: "Hopefully the pipe stays centralized due to gravity."

A worried Gagliano caught up to several members of BP's engineering team at their shared Houston offices. He persuaded Gregg Walz, the engineering team's new leader, that 21 centralizers were needed based on Halliburton computer models. Walz told John Guide, his counterpart in operations, "We need to honor the modeling."

Sims, the new manager for several of BP's Gulf wells, agreed with Walz. The company had 15 additional centralizers sent to the rig the next morning. But then Guide found out the centralizers didn't have the right collars to keep them in place. Also, he complained in an e-mail message that it would "take 10 hrs to install them." In the end, the 15 centralizers were not used.

On April 18, Halliburton ran a new model of a cement job using fewer than seven centralizers. It showed a "severe risk of gas flow." But Gagliano didn't make a scene this time. He attached the report to an e-mail message to his clients. Three different BP engineers later testified they never saw the warning, which was buried on page 18 of the report. Guide said he didn't read the report until after the accident.

Even Gagliano never dreamed that two days later, the rig would go up in smoke and flames.

He said he didn't try to stop the job because uneven cement "doesn't equal a blowout. My concern was ... having to do a remedial cement job."

But that assumed BP would find out if there was a problem to remedy. After Guide went with the riskier cementing method, engineers Morel and Brett Cocales, who had seen Halliburton's models, shrugged it off.

"Who cares, it's done, end of story, will probably be fine," Cocales wrote Morel. Morel responded that they could see if Halliburton's models were right once they checked data on the actual cement barriers.

That check was never done.

No. 3: No bond log to check cement integrity

BP sent a crew from oil-field services firm Schlumberger to the rig two days before the accident to run various tests on the well. The company was paid about $10,000 to wait until the cement was set. It would get another $100,000 or so if the crew ran a cement bond log, the gold standard for testing cement integrity.

Initially, when engineers decided to use the long central tube, they acknowledged a cement bond log would probably be needed.

But because cement didn't escape when it was poured, BP sent Schlumberger home on April 20 at 11:15 a.m., without having run the test.

Had it been run, the bond log might have found problems with the cement barriers, requiring a new cementing procedure that would have take at least a month, said Tom McFarland, a cementing consultant. Additional cost to BP: at least another $30 million.

Again, by itself the decision was explainable. Cement bond logs aren't always necessary. But the skipped steps on a troublesome project were adding up.

No. 4: Pressure test misinterpreted

When BP executives toured the rig the afternoon of April 20, they found the drill team gathered in a shack, debating the results of the negative pressure test, which measures upward pressure from the shut-in well. A good test would mean the well was nearly complete.

But 15 barrels of mud had leaked through a valve in the blowout preventer. That was odd. A few weeks earlier, a mechanic, Mike Williams, had reported that chunks of rubber from the valve came up in mud from the hole. He saw computer readings showing the drill pipe was moved while the valve was closed around it, and he believed that had damaged the rubber closure. But a supervisor dismissed it as normal wear and tear.

Three hours before the accident, the drill team tried the pressure test again, this time instructing the worker in charge of the blowout preventer, Chris Pleasant, to mash the rubber valve against the pipe with more force. Little or no fluid escaped.

Better. But still, the drill team observed high pressure readings. That was abnormal. BP executive Sims said the team members sounded "confused" after the second negative test, and he suggested that Transocean's top rig officer, Jimmy Harrell, help resolve the issue.

Later, at dinner, one of the visitors, BP Vice President Patrick O'Bryan asked Harrell if everything was OK. He gave the thumbs-up. Guide talked to BP's well site leader, Robert Kaluza, and recalled that Kaluza, too, was "confused" by the pressure.

Rig officials eventually ruled the test a success. But John Smith, an associate professor of petroleum engineering at LSU who was hired by federal investigators as an expert, testified that the rig officials misinterpreted the results.

Smith also said the test itself may have been faulty. BP had paid for two doses of a viscous fluid for the test, and ordered contractors to use both at once. Smith said the abnormal quantity may have distorted the pressure readings.

The mixing may have been yet another cost-cutting move. If the extra dose had gone unused, BP would have had to pay to transport it to shore and dump it as hazardous waste. Once poured in the hole, however, federal rules allowed it to simply be dumped overboard for free.

No. 5: Mud barrier removed early

According to investigators' notes, Kaluza was confused by his bosses' directions in the hours before the accident. "They decided we should do displacement (of protective drilling mud with seawater) and the negative test together; I don't know why," Kaluza told investigators. "Maybe they were trying to save time. At the end of the well sometimes they think about speeding up."

Smith, the LSU engineer, said rig workers thought they were all set after the negative test, which may explain why they missed signs of gas kicks starting 50 minutes before the first explosion.

The crew was confident enough to take one more risky step before setting a final cement plug: replacing heavy drilling mud with seawater, which is 40 percent lighter and far less capable of holding down gas.

No. 6: Blowout preventer failed

In spite of all the shortcuts BP took, much of the disaster, particularly the leaking oil, could have been avoided if the blowout preventer had activated when power was lost.

When Harrell, the top Transocean man on the rig, was concerned about the plans for April 20, he grumbled that the BOP's shear rams might have to save the day: "Well, I guess that's what we have those pinchers for."

When two explosions rang out, at about 9:56 p.m., it was time for the pinchers. Pleasant hit a button on a control panel. Lights indicated he had sent a message a mile below the rig and sea, through optics and hydraulic lines, to disconnect the rig from the well. That would cause the blowout preventer to activate its shear rams, cut the drill pipe and seal the well.

None of that happened. The well wasn't shut and the rig wasn't able to escape the fuel source for a fire that would rage for two days.

Investigators wonder if two pipes, found side by side just above the blowout preventer, fouled up the works. There is only supposed to be one pipe, and the blowout preventer's slicing rams are designed to cut only one.

But none of that explains why other parts of the blowout preventer never seemed to function, or why the emergency disconnect never activated. Pleasant testified that when he tried to intervene manually, he "had no hydraulics." The loss of three things -- power, hydraulics and communications -- is supposed to trip a "dead-man" switch and close in the well. It didn't.

Rig officials knew all along the blowout preventer had some leaks, notably in the yellow control pod that receives messages from the rig. But they didn't think it mattered. BP and Transocean officials said they were familiar with a federal regulation stating that if "a BOP control station or pod ... does not function properly" the rig must "suspend further drilling operations" until it's fixed, but they didn't think the regulation applied in this case.

BP's man in charge on the rig until April 16, Ronnie Sepulvado, said he reported the pod's problems to Guide and assumed Guide would tell the feds. He didn't. And another federal regulation requiring the blowout preventer to be recertified every five years was ignored. Deepwater Horizon's BOP had been in use for nearly 10 years and was never recertified. Getting it recertified would have required Transocean to take the rig out of use for months while the four-story stack was disassembled.

It was one more corporate cost avoided. And a final precaution that could have erased a string of other missteps and spared an infinitely larger cost later.

*David Hammer can be reached at **dhammer@timespicayune.com** or 504.826.3322.*

THE DAILY NEWS

Group doubts claims by BP

By T.J. Aulds
The Daily News

Published September 5, 2010

TEXAS CITY — An environmental consulting group investigating a 40-day emissions event at BP's Texas City refinery that sent 536,000 pounds of chemicals into the air calls the company's assertion the incident posed no risk to the community a fallacy.

"Every piece of evidence we find gets us closer to the bigger picture, and we can say to BP, 'Yeah, you guys are lying to us,'" said Chris Waller, a civil engineer with the Soil Water Air Protection Enterprise group in California.

One of the group's principals is Paul Rosenfeld, an environmental chemist and lecturer with the University of California at Los Angeles School of Public Health and author of "Best Practices in the Petroleum Industry."

Rosenfeld's firm was retained by Friendswood attorney Tony Buzbee, who filed a $10 billion lawsuit against BP over the emissions event that happened in April and May.

BP: No Community Impact

The company insists air monitors at the refinery and in the city did not indicate dangerous levels of toxic chemicals from the event.

"Real time, scientific data monitored during the event indicates that the event did not have a health impact to our workers or the community," BP Texas City manager Keith Casey wrote in a letter to Mayor Matt Doyle.

"During the entire 40-day period of this event, the site's recently enhanced fence-line monitors, which measure for the presence of benzene and other constituents, did not signal elevated readings or ground level impact.

"Similarly, air-quality monitors in the community that are maintained by external parties did not show elevated readings throughout the 40-day period."

Critic: More Chemicals Fell On City Than Reported

Waller said his investigation shows BP's comments are based on selective use of the

data available.

“BP takes facts out of context,” Waller said. “They cut out little facts to defend themselves.”

Waller said data contained in the Texas Commission on Environmental Quality investigation report on the incident show while there were minimal levels of toxins near the refinery, levels of chemicals, including benzene, increased significantly.

He based his claims on a modeling scenario contained in the state report that eventually came to the conclusion the incident was an excessive emissions event that led to an enforcement action lawsuit by Texas Attorney General Greg Abbott.

Waller said the TCEQ Green 3 model shows that about 600 meters from the flares that were the source of the emissions, levels of benzene were about .77114 micrograms per meter cubed, which is equivalent to .5797 parts per million. Chronic exposure at levels above .05 parts per million can increase a person’s risk of non-cancer related illnesses, according to the Environmental Protection Agency.

Waller said the modeling estimates contained in the state report shows that at 800 meters from the flares, the exposure at ground level increased to 34 micrograms per meter cubed, while at 1,000 meters that level jumped to 105 micrograms per meter cubed.

“That means that what was released from the flare 300 feet in the air drifted over the fence-line monitors and fell on the community,” Waller said.

For those not into measuring micrograms or meters cubed, Waller said the chronic exposure to the emissions translates into a risk for those living nearest the refinery of developing respiratory illnesses.

VOCs Pose More Risk Than Benzene

BP has relied on data collected at the community’s nine air-monitoring stations, three of which are at the refinery, as the basis for its assertion the community was not at risk during the emissions event. BP, however, said its TCEQ-approved modeling scenarios also did not indicate any elevated or risky levels of emissions.

Of as much concern as the release of large amounts of benzene was the amount of volatile organic compounds released onto the city, Waller said. Those include propane, isobutene and pentane. According to the TCEQ investigation, 60,000 pounds of propane, 34,146 pounds of isobutene and 117,716 pounds of pentane were released from one of the flares involved in the emissions event.

Rosenfeld contends a cumulative dose model of VOC emissions likely would show residents inhaled “several cups” of toxic chemicals.

The TCEQ report noted that in addition to contributing to the county’s nonattainment status for pollutants, “short-term exposure (to VOCs) can cause eye, nose and throat irritation; headaches, loss of coordination, nausea; damage to the

liver, kidney and central nervous system."

However, "actual impacts from these amounts on human health or the environment could not be immediately determined," TCEQ investigator Ryan Perna wrote in a report that sought enforcement action by the state.

Perna also noted modeling results predicted the VOC emissions did not exceed TCEQ property line standards or the EPA's National Ambient Air Quality Standards.

Much of BP's argument that the emissions posed no risk to the community is based on readings from a series of air monitors placed at the refinery and throughout the city. Those monitors also have been at the heart of the Texas City-La Marque Community Advisory Council's argument that air quality in the city doesn't pose a significant health risk to residents.

Monitoring Network Called Into Question

Waller and Rosenfeld challenged the monitoring network, especially the fence-line monitors.

They said detection limits on those monitors are not sufficient to determine that no threat existed for the community.

Buzbee said a photo he obtained from someone inside the BP refinery shows the air monitors are easily tampered with. The photo, reportedly from an air monitor near BP's docks, shows a paper clip jammed into the slot of a panel of buttons.

The photo was taken in June, Buzbee said. He would not reveal who took the photo or the details of the equipment shown.

BP spokesman Michael Marr said environmental quality staffers at the refinery reviewed the photo.

"We can't identify the equipment shown in that photograph, except to say that it is not one of BP's fence line air monitors," Marr said, noting that BP has only three air monitors on site, none of which are located near its dock area.

"Any disabling of a BP air monitor would result in immediate (and automatic) notification of the TCEQ, BP and other appropriate parties."

Marr also said the air monitors where checked during the recent emissions event, and all were in working order.

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Coming Monday

Industry's defenders: While BP is taking a beating for a 40-day air emissions event that sent more than 500,000 pounds of chemicals into the air, two Texas City

residents said they are out to set the record straight about air quality in the city. Jose Boix and Jack Cross, former petrochemical employees, claim statistics show air quality actually is improving despite the latest emissions event.

Coming Wednesday

What did the air monitors show?: There are nine air monitors in Texas City. Some have data available online, while others require you ask the state for data. Find out more about the air-monitoring network in Texas City, where the monitors are and how to obtain the information.

Everything New Orleans

Criminal charges being considered against BP in Gulf oil rig tragedy

Published: Sunday, September 05, 2010, 6:15 AM

David Hammer, The Times-Picayune

Several investigations of the **Deepwater Horizon disaster** will seek to determine if systemic issues or individual error caused the catastrophe.

Michael DeMocker, The Times-Picayune

Fireboats try to extinguish the blaze on the Deepwater Horizon oil rig on April 21, one day after it exploded.

The Justice Department is considering criminal charges and civil penalties. If gross negligence is found, fines for the nearly 5 million barrels of oil spilled would balloon from a ceiling of around $5 billion to as much as $18 billion. BP could be found criminally liable as a corporation, and individual employees, three of whom have already invoked their Fifth Amendment rights against self-incrimination, could also be prosecuted.

While human error obviously played an important part in the April 20 blowout of BP's Macondo well, there are other, larger questions that could affect the future of the offshore energy sector. Would tighter federal regulations or better enforcement have prevented it? Was BP a rogue operator, or were the mistakes made in the Macondo disaster typical of practices throughout the industry?

BP officials, one after another, have insisted that they put safety first. Indeed, BP and Transocean spent millions of dollars on safety equipment and training. The workers practiced man-overboard and abandon-

ship drills every week.

But Coast Guard Capt. Hung Nguyen, co-chairman of the **Marine Board investigation panel** that has been taking public testimony from rig workers and managers since May 11, said he was disturbed by the more human side of BP's "safety culture." He pointed out that in four separate incidents -- two different shallow-water well accidents in 2002; the near capsizing of the company's Thunder Horse platform in 2005; and the fatal explosions at the company's Texas City refinery that year -- the London-based oil giant made procedural changes, but never addressed what led its employees to make the mistakes in the first place.

Nguyen and fellow panel member Jason Mathews focused on changes in BP's management just before the accident. Five of the 11 BP officials in positions of authority over the Deepwater Horizon had been in their jobs less than six months. The ones who were willing to testify claimed they didn't make decisions alone, but rather in a collaborative effort -- between BP and its contractors, between the rig officers and the engineers in Houston.

BP's most respected presence on the rig, veteran company man Ronnie Sepulvado, was directed to leave the troubled well four days before it was completed so he could attend a well-control training class. That gave his replacement, Robert Kaluza, four days to learn the rig before it exploded.

"It seems like everybody's in charge and at end of the day nobody's in charge and nobody wants to step up to make a decision here," Nguyen said at hearings last month. "That's what I'm seeing."

Safety management is a long-standing problem at BP. Bob Bea, a University of California at Berkeley professor and former offshore drilling engineer who led an independent investigation of the accident for the White House, said he was hired in 2002 by then-BP chief executive John Browne because the company was concerned about what had happened to its American operations.

Browne, now president of the British Royal Academy of Engineering, declined to comment for this story through a spokesman. But Bea said Browne told him that mergers with Texas-based AMOCO and Arco had created a clash of cultures and led to downsizing, a loss of core competencies and too much outsourcing. Bea said he made recommendations, and in 2008, BP presented its risk assessment and safety management practices at a conference in France.

"They had stage actors show how they're telling employees to do their jobs," Bea said. "They turned into an entertaining play something that was deadly serious. That's when I realized their early attempts to forestall this sort of thing didn't take hold, and I look upon it as a personal failure."

*David Hammer can be reached at **dhammer@timespicayune.com** or 504.826.3322.*

Public invited to testify at Dallas hearing on coal ash this morning

07:44 AM CDT on Wednesday, September 8, 2010

By RANDY LEE LOFTIS / The Dallas Morning News
rloftis@dallasnews.com

The Environmental Protection Agency has invited the public to testify at a hearing in Dallas this morning on possible new rules for handling coal ash.

The ash is left over from burning coal for electricity and is full of concentrated toxic metals. Coal-firing power companies generally bury it at the plant or in nearby landfills.

Critics say that process endangers water quality. Companies and the Texas Commission on Environmental Quality say existing rules are sufficient.

The hearing, which is expected to attract people from a number of states, is from 10 a.m. to 9 p.m. at the Hyatt Regency Dallas at Reunion, 300 Reunion Blvd.

Everything New Orleans

Louisiana DEQ investigating release of white powder that coated parts of St. Bernard Parish

Published: Tuesday, September 07, 2010, 6:14 PM Updated: Tuesday, September 07, 2010, 6:17 PM

Chris Kirkham, The Times-Picayune

The state Department of Environmental Quality has begun a required investigation into the release of 2,000 pounds of a white powdery substance across St. Bernard Parish Monday morning, after a refinery lost power and spewed the material.

The substance, described by the refinery officials as spent catalyst, is a by-product of the oil refining process. Catalysts are used widely in petroleum refineries and other chemical plants to speed up chemical reactions or other processes to create the end product. Spent catalysts are the remnants of that process.

Chalmette Refining LLC, which has a refinery off St. Bernard Highway in Chalmette, said the release came after the refinery lost power at around 2 a.m. Monday, forcing the shutdown of several units at the plant.

The St. Bernard Parish government and fire department told residents they could clean the product themselves off cars and homes. But the official material data safety sheet about the catalyst, which was submitted to state and parish officials after the release, recommends using rubber gloves and protective safety glasses when handling the product.

The safety sheet also notes that "If clothing or footwear become contaminated with the product, remove it and completely decontaminate it before re-use, or discard it."

Acute exposure to the product can result in eye and skin irritation, according to the safety sheet, and if inhaled in larger amounts it can cause respiratory problems.

The EPA also lists some spent catalysts as hazardous wastes that must be disposed of under strict guidelines.

According to the safety sheet, the largest component of the spent catalyst is kaolin, a naturally occurring clay-like substance. There are small amounts of more hazardous ingredients, including titanium oxide. But the safety sheet notes that health risks from the materials would come after long-term, chronic exposure.

The St. Bernard Parish Fire Department mapped the affected area as stretching from eastern sections of Arabi, east to Paris Road and north up to about Genie Street.
Will Hinson, the public affairs manager for Chalmette Refining, did not return phone calls seeking comment Tuesday.

The company has contracted with an insurance claims management firm to work with residents, and has set up a claims number at 1.877.657.2833.

Anne Rolfes, the founding director of the Louisiana Bucket Brigade, which has criticized practices by Chalmette Refining and other refineries in the region, said she was most concerned that the refinery did not have a better backup power system to prevent outages like the one that caused the problem.

"This fits into the larger framework of emergency response," Rolfes said. "They're just not as prepared as they ought to be."

She also said it was "absurd" that a spokesman for Chalmette Refining said in previous news reports about the incident that the material was safe for residents, but that he did not know what was in it.

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Chris Kirkham can be reached at ckirkham@timespicayune.com or 504.826.3321.

Restoring coastal wetlands? Check the soil

September 7th, 2010 in Space & Earth / Environment

Enlarge

Soil monitoring equipment the research team used to measure soil moisture and porewater salinity. Credit: David Kaplan, 2010.

Rising sea levels and coastal development are threatening coastal freshwater wetlands with saltwater intrusion. While most ecosystem restoration projects have focused on surface water and groundwater, new research finds that conditions in the vadose zone, the unsaturated soil below the surface but above the water table, are of particular importance to seedling survival in coastal floodplain ecosystems.

Scientists at the University of Florida, the South Florida Water Management District (SFWMD), and the Florida Park Service investigated key measurements of the vadose zone, soil moisture, and porewater salinity, in a historically freshwater floodplain forest of the Loxahatchee River in southeastern Florida. Reduced flows have resulted in the loss of bald cypress communities in favor of drier, more salt-tolerant species.

Combining this new information with surface water, groundwater, and meteorological data allowed the team to develop hydrological relationships that drive ecosystem changes and inform proposed restoration and management plans. Results from the study (funded by the SFWMD) are published in the September-October 2010 issue of the *Journal of Environmental Quality*.

The researchers measured soil moisture and porewater salinity for four years at two sites - one in an upstream, freshwater location and one in a downstream, tidal area. The team was particularly interested in determining the relationship between soil moisture and river levels to determine whether proposed restoration flows would provide good conditions for of bald cypress seeds, a valued ecosystem component in the area. A second major research goal was to explain the distribution of freshwater and salt-tolerant plants in the floodplain based on observed salinities.

The unique data collection allowed researchers to measure differences in vadose zone conditions between sites and over a wide range of climatic conditions (two years with above-average rainfall, followed by two years of extreme drought). They found that soil moisture in upriver areas can be closely predicted based on river level and topographic elevation in the floodplain.

The authors developed a calculator for land managers to estimate average soil moisture under different river flow conditions during restoration efforts. In downstream areas, river levels that consistently saturate the soil will likely limit seed germination and seedling survival to isolated high points.

The salinity tolerance threshold for bald cypress, 2 parts per thousand (ppt), was rarely exceeded in upstream areas, but was exceeded for considerable durations in downstream areas during dry seasons. High porewater salinity provided the best explanation for observed floodplain vegetation, which transitions from freshwater species near the upland to salt-tolerant species near the river's edge.

From a management perspective, porewater salinity peaks were at most 63% of surface water salinity peaks, suggesting that restoration flows that maintain downstream river salinity below the 2 ppt threshold will also sufficiently prevent floodplain porewater salinities from exceeding this level.

"These results highlight the importance of understanding what's happening in the root zone of plant species or communities you are trying to conserve or restore. We believe this work offers a framework for extending floodplain monitoring into the vadose zone in other locations," says David Kaplan, one of the study's authors.

Regarding future research, he adds, "Restoration efforts in coastal floodplain forests would be further improved by species-specific studies of moisture requirements for seed germination as well as studies on the effects of variable tidal inundation on the seeds and seedlings of important floodplain species."

More information: View the abstract of this study at https://www.agrono … ts/39/5/1570

Provided by American Society of Agronomy

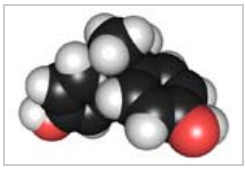
"Restoring coastal wetlands? Check the soil." September 7th, 2010. www.physorg.com/news203088803.html

Tuesday, 07 September 2010 04:13

What Are BPAs?

Written by TGB Staff

E-mail | Be the first to comment!



There's been a lot of fuss about BPAs. State governments have banned BPAs in baby bottles in the US. Most Canadians test positive for BPAs. There are BPAs in just about all canned goods, even the organic ones. But what exactly is a BPA, and why should you care if you're being exposed to one of them or not?

The real, scientific name for BPA is Bisphenol A, which is an organic compound that's used to make polycarbonate plastic and epoxy resins (those are what you commonly find lining both plastic bottles as well as metal cans). It's been known since the 1930s that BPA has an estrogenic element (it mimics the hormone estrogen), and after a consumer study in 2008 BPA was determined by the United States Food and Drug Administration to be harmful when fetuses, infants and young children were regularly exposed to it.

To be clear, there are no conclusive studies that can create a definitive link between BPA and cancer, a common claim about the health impact of BPA. However, studies ranging from 2007 on link BPA both to disruptions in normal hormone development as well as to brain development and certain instances of ADHD. A 2007 study concluded that there's a definitive link between BPA and thyroid disruption. Studies in 2008 and 2009 both concluded that reducing exposure to BPA can reduce the risk for obesity, which as we all know can also lead to preventable diseases such as heart disease. However, none of the studies concluded what a "safe" amount of BPA is.

Unless you are about to go live organically off of the land, it's unlikely that you'll be able to entirely separate your life from the existence of BPA. It's everywhere, and short of global legislation it's unlikely to go entirely away. However, some simple things that you can do:

- Avoid canned food when possible. Opt for fresh food, food in glass jars or even frozen food.
- Plastics are labeled. Avoid Type 7 and Type 3 plastics as they are known to contain BPA
- Try to find Type 6 plastics, which neither contain nor break down into BPA

As with anything else, BPA in small, manageable doses probably won't hurt you, but you'll have to actively work to accommodate that.

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Daily Environment Report™

Source: Daily Environment Report: News Archive > 2010 > September > 09/07/2010 > News > Superfund: Tribe's Natural Resource Claim May Proceed; Court Says Oklahoma Not Indispensable Party

171 DEN A-1

Superfund

Tribe's Natural Resource Claim May Proceed; Court Says Oklahoma Not Indispensable Party

The state of Oklahoma is not an "indispensable party" to a natural resource damage action filed by the Quapaw Tribe because the natural resources at issue are exclusively on tribal land, not under state authority, a federal trial court ruled Aug. 20 (*Quapaw Tribe of Oklahoma v. Blue Tee Corp.,* N.D. Okla., No. 03-CV-846, 8/20/10).

Therefore, the U.S. District Court for the Northern District of Oklahoma denied the motion to dismiss filed by defendants Blue Tee Corp. and Gold Fields Mining LLC—which had claimed the state of Oklahoma had overlapping interest and authority—and allowed the tribe's natural resource damage lawsuit under the Comprehensive Environmental Response, Compensation, and Liability Act to proceed.

The natural resource damage claim involves land that is part of the Tar Creek superfund site, a former lead and zinc mining area located in northeastern Oklahoma. The site, which includes land owned by the Quapaw Tribe, was placed on the superfund National Priorities List in 1983 due to residual mining contamination.

The court said it rejected the companies' motion to dismiss based on the tribe's failure to join a necessary and indispensable party—the state of Oklahoma—to the litigation.

Blue Tee and Gold Fields Mining had argued that the state was an indispensable party—meaning it would be required to be joined in the litigation—because it has an interest in natural resources in and near the Tar Creek site. Individual plaintiffs "must join all affected landowners as parties in order to proceed with their claims," they said. However, since the state has sovereign immunity, it could not be joined to the lawsuit, and the case must be dismissed, the companies said.

The court disagreed, finding that the Quapaw Tribe had narrowed its allegations over time to include only plant life on tribal lands, eliminating claims for future damage to aquatic life and wildlife that could migrate to land under state authority. The court also rejected the defendants' assertion that the state claimed an interest in the entire Tar Creek site.

Land Part of Tar Creek Site, Claims Narrowed

In 2003, the tribe filed a lawsuit against Blue Tee Corp. and Gold Fields Mining as successors to mining companies that operated on the Tar Creek site, alleging a spate of civil claims for damage to tribal lands. In 2004, the tribe amended the complaint to allege a superfund natural resource damage claim.

Over time, the Quapaw Tribe filed a series of supplemental disclosures about the scope of natural resource damages they were alleging. In November 2009, it filed a supplemental disclosure under Rule 26 of the Federal Rules of Civil Procedure, asserting an interest in pursuing natural resource damage claims for future damage to aquatic resources.

The court noted that the tribe, in disclosures filed after the defendants' motion to dismiss, had narrowed its natural resource damage claims to include only terrestrial plant life on tribal lands.

"Much of defendant's motion to dismiss is moot based on the Tribe's decision to limit the relief sought to NRD for harm to plant life on Tribal lands," the court said.

Reliance on *Tyson Foods* Misplaced

The defendants cited *Oklahoma v. Tyson Foods Inc.*, 258 F.R.D. 472 (N.D. Okla. 2009), in which the

court found a tribe to be an indispensable party in a claim filed by the state for natural resource damage (140 DEN A-7, 7/24/09).

However, the court found the defendants' reliance on *Tyson Foods*, which involved allegations of damage from poultry farming to the waterway, to be misplaced. That case was distinguishable from the Quapaw Tribe's case, the court found, because in *Tyson*, both the state and the tribe claimed an interest in the waterway at issue.

"The overlapping interests in aquatic natural resources that was present in *Tyson Foods* is no longer an issue in this case," the court said. "This case is distinguishable from *Tyson Foods*, because the Tribe has withdrawn its request for NRD as to aquatic life, waterways, or migratory wildlife. Unlike *Tyson Foods*, the natural resources at issue are located solely on Tribal lands and do not fall within the regulatory authority of the State. Based on the Tribe's fifth and sixth amended Rule 26 disclosures, defendants' motion to dismiss is moot to the extent that defendants sought dismissal due to an overlapping State interest in aquatic life, waterways, or migratory wildlife."

State Interests Distinct From Tribal

The court also rejected the defendants' contention that the state asserted an interest in the plant life and ecosystems of Oklahoma even if they were located on tribal lands.

"Defendants argue that … regardless of the scope of the Tribe's claims, the State 'claims' an interest over the entire Tar Creek site," the court said.

"Defendants' argument is based on documents from the Chapter 11 bankruptcy proceedings of ASARCO, a mining company that formerly operated in the Tri-State Mining District. While the State filed a claim in the ASARCO bankruptcy, the State presented a damages estimate in conjunction with the United States Department of the Interior (DOI), the States of Missouri and Kansas, and six Indian tribes, and each sovereign entity clarified that it was seeking damages only in relation to land possessed by that sovereign," the court said.

"Oklahoma is not designated as a co-trustee for natural resources located solely on Tribal lands," the court said. "The DOI, as co-trustee for the Indian tribes, clarified that the various Indian tribes were seeking NRD on their own behalf and exclusive of the State, and the State would serve as Trustee for 'interspersed' non-Indian holdings."

The court concluded that "It is not clear that the State is claiming an interest for terrestrial plant life on Tribal land, because the evidence shows that the State is not claiming trusteeship over natural resources located solely on Tribal land."

Judge Claire V. Eagan issued the opinion.

The Quapaw Tribe of Oklahoma is represented by Andrew Sher with Sher Law Firm PLLC in Houston; Bill Robins III with Heard Robins Cloud Lubel & Greenwood LLP in Santa Fe, N.M.; Cynthia B. Chapman, George Y. Nino, and Michael A. Caddell with Caddell & Chapman in Houston, Texas; James L. Kauffman, and Joseph H. Bates III with Carney Williams Bates Bozeman & Pulliam PLLC in Little Rock, Ark.; Stephen Richard Ward with Conner & Winters LLP in Tulsa, Okla.

Blue Tee, and Gold Fields Mining are represented by Amy Marie Crouch, John K. Sherk III, Kimberly Sandner Goff, Kirk Forbes Marty, Mark Douglas Anstoetter, Stanley D. Davis, Thomas James Grever, and Rebecca Joy Schwartz with Shook Hardy & Bacon LLP in Kansas City, Mo.; Andrea Treiber Cutter with Cutter Law Firm PLC in Tulsa, Okla.; Chris A. Paul, Robert Joseph Joyce, and Sharolyn Colleen Whiting-Ralston with McAfee & Taft in Tulsa, Okla.; Donald E. Scott with Bartlit Beck Herman Palenchar & Scott LLP in Denver, Colo.; and Jon M. Payne with Newton O'Connor Turner & Ketchum PC in Tulsa, Okla.

The U.S. District Court for the Northern District of Oklahoma's decision in Quapaw Tribe of Oklahoma v. Blue Tee Corp. is available at http://op.bna.com/txlr.nsf/r?Open=phas-88tlt8.

Information on the Tar Creek superfund site is available at http://www.epa.gov/earth1r6/6sf/oklahoma/tar_creek/index.htm.

Daily Environment Report™

Source: Daily Environment Report: News Archive > 2010 > September > 09/07/2010 > News > Water Pollution: Report Urges Better Nutrient Management To Combat Rising Hypoxia in Coastal Waters

171 DEN A-7

Water Pollution

Report Urges Better Nutrient Management To Combat Rising Hypoxia in Coastal Waters

Incidents of oxygen depletion in U.S. coastal waters are increasing, but a series of research and policy steps could help reverse the trend, especially through more efforts to reduce nutrient pollution, according to a report from a federal interagency science and regulatory team.

The report, *Scientific Assessment of Hypoxia in U.S. Coastal Waters*, was delivered Sept. 3 to congressional leaders, who have often expressed concern about the "dead zones" created by hypoxia, or oxygen depletion.

The report devoted much of its 164-page length to the need for more research and more monitoring of streams and associated nutrients. Where it considered policies for pollution reduction, it primarily encouraged adaptive or flexible management practices that can make the best use of a menu of options for dealing with a watershed's nutrient pollution, especially from agriculture and urban stormwater runoff.

More than 300 U.S. coastal water bodies now experience stressful or lethal hypoxia levels, threatening commercial and recreational fisheries, according to the report.

Measures to control such "nonpoint" sources as farm and urban runoff, unfortunately, "have proven ineffective at reducing nutrient loads from large watersheds," the report said. Consequently, research is needed on alternative practices for pollution control, it said.

"Continued research also is needed on new practices, such as those that enhance natural nutrient processes through reforestation, river diversions into wetlands, and vegetation buffer systems for streams and rivers," the report said. "Such research has already led to management decisions to protect wetlands and to reforest portions of watersheds."

Looking for Policies That Work

The report advocated establishment of criteria for acceptable nutrient levels in both coastal areas and in rivers upstream from hypoxic zones. It also said, "More widespread and aggressive implementation of nutrient removal technologies in wastewater and stormwater management also offers opportunities to reduce nutrient enrichment, eutrophication, and hypoxia."

The Environmental Protection Agency is currently working to improve its water regulation strategies, including those for nonpoint-source pollution mentioned in the report (161 DEN A-9, 8/23/10).

EPA also has been moving ahead with enhanced nutrient pollution controls in various areas, notably the Chesapeake Bay watershed (126 DEN A-11, 7/2/10).

The report noted that nutrients such as nitrogen and phosphorus often leave agricultural lands through drainage systems, and the U.S. Department of Agriculture has devoted much effort to removing marginal land from production, establishing wetlands, and promoting practices that reduce erosion, create buffer strips, improve tillage practices, and manage fertilizer application more effectively.

The report was mandated by the Harmful Algal Bloom and Hypoxia Research and Control Act, a 1998 law amended and expanded in 2004 (Pub. L. No. 108-456). The report was put together by specialists from the National Oceanic and Atmospheric Administration, the Department of Agriculture, the Environmental Protection Agency, the U.S. Geological Survey, and the Virginia Institute of Marine Science.

By Alan Kovski

YAHOO! NEWS

PRINT Back to story

FDA cites claims on 2 green tea beverages

Associated Press

By MATTHEW PERRONE, AP Health Writer
1 hr 55 mins ago

WASHINGTON – Federal health regulators have issued warnings to the makers of Canada Dry ginger ale and Lipton tea for making unsubstantiated nutritional claims about their green tea-flavored beverages.

In a warning letter issued Aug. 30, the Food and Drug Administration takes issue with the labeling of Canada Dry Sparkling Green Tea Ginger Ale. The agency issued a similar letter Aug. 23 to Unilever Inc., over website and product labeling for its Lipton Green Tea.

Food processors increasingly have been adding vitamins and nutrients to their products to make them more appealing to health-conscious consumers. But the FDA letter to Dr. Pepper Snapple Group, which makes Canada Dry, states that the agency "does not consider it appropriate to fortify snack foods such as carbonated beverages." Furthermore, the agency states that the soft drink does not meet federal requirements to carry the claim that the drink is "enhanced with 200 mg of antioxidants from green tea and vitamin C." According to FDA regulations, the ingredients in Canada Dry's product "are not nutrients with recognized antioxidant activity."

The FDA letter to Unilever takes issue with a company website that mentions four studies that showed a cholesterol-lowering effect with tea. According to the agency, the labeling is misleading because it suggests Lipton tea is designed to treat or prevent disease. The agency also cites antioxidant labeling claims on the company's Lipton Green Tea, which do not follow federal guidelines.

The agency asks executives from both companies to respond to the citations within 15 days and to outline their plans for addressing the problems.

Calls to Plano, Texas-based Dr. Pepper Snapple Group were not immediately returned Tuesday. Calls placed to Unilever's Englewood Cliffs, N.J.-based offices were also not immediately returned. The company is headquartered in London and Rotterdam, Netherlands.

Once a niche market, nutrient-enriched beverages have grown into a multibillion dollar

business that includes everything from calcium-enhanced orange juice to energy drinks containing ginseng, ginkgo and other organic products.

In recent years, the FDA has begun cracking down on food companies that overstate the benefits of their products.

The FDA generally endorses health claims on foods only after government researchers have verified that the products help prevent actual disease. Food containing oats, for example, can carry the FDA-approved claim, "may reduce risk of heart disease."

The FDA regularly issues warning letters to companies that do not follow regulations for manufacturing and marketing. The letters are not legally binding, but the agency can take companies to court if they are ignored.

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statesman.com

Wal-Mart hiring for Northcross store; UT gets emissions grant

Central Texas Digest

COMPILED FROM STAFF REPORTS

Published: 11:13 p.m. Tuesday, Sept. 7, 2010

RETAILERS

Wal-Mart now hiring for Northcross

Wal-Mart Stores Inc. has begun hiring for its Northcross store, which opens next month.

The retailer will be hiring 250 full- and part-time employees for the store, which is under construction at West Anderson Lane and Burnet Road. Open positions include supervisors.

Wal-Mart has set up a hiring center at Workforce Solutions, 6505 Airport Blvd., Suite 101A. Workforce Solutions is the Austin-area work-force development board.

The center is open weekdays from 8 a.m. to 5 p.m.

ENVIRONMENT

Grant to fund emissions work at UT

The University of Texas won a $5 million grant from the U.S. Department of Energy to do research on carbon capture technology.

The grant will support research into identifying areas that might be suitable for storing captured carbon dioxide emissions in geologic formations in the Gulf of Mexico, using seismic imaging technology.

Houston-based Sandia Technologies LLC was also awarded $5 million to explore the possibility of storing captured carbon in the Newark Basin in New Jersey.

The grants were among $575 million the department awarded to 22 projects nationwide involving research and development into so-called clean coal technologies and capturing and storing carbon emissions from industrial sites.

-  Workers raise more safety concerns for oil cleanup
- Carpenters union to endorse Snyder
- Snyder not a fan of film tax credits
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- Bernero: Pull state money from banks that won't help with foreclosures
-  U.S. unemployment rate rises to 9.6 percent
- White House preparing for a payroll tax holiday?

Workers raise more safety concerns for oil cleanup

Injuries ignored, untreated, say whistleblowers

By Todd A. Heywood 9/7/10 7:37 AM

BATTLE CREEK — A group of workers taking part in the effort to clean up a million gallons of oil spilled into the Kalamazoo River are leveling new allegations of contractors and subcontractors ignoring worker safety regulations and threatening employees who complained of such violations.

All of the workers are HAZWOPER certified, meaning they are licensed for the handling of hazardous materials including oil, and spoke with Michigan Messenger on the condition of anonymity because they want to continue working on the Kalamazoo river cleanup effort. The cleanup effort is the result of a July 25 pipeline rupture which spewed more than one million gallons of crude oil into the Kalamazoo River and a tributary.

That pipeline is owned by Enbridge Energy Partners, a Canadian company with U.S. subsidiaries. The company has hired Garner Environmental from Texas to oversee cleanup efforts on its behalf. The U.S. Environmental Protection Agency has taken direct command of the clean up efforts.

Workers for Garner and its various subcontractors have signed nondisclosure agreements, but the workers who spoke to Michigan Messenger say that injuries at the work site are ignored or treated with little urgency. Workers said requesting medical attention was discouraged, with the implication being that their jobs would be on the line if they demanded medical care.

“They tell you, if you ask to see a doctor or for medical attention, you will have a blue mark next to your name,” said one worker.

“They tell you the blue mark means nothing good for you with the company,” said another.

The whistleblowers told of one incident in which a worker got oil directly in his eye. Supervisors from Garner and a subcontractor chose to flush the crude oil from his eye with saline solution. Once that was completed, the worker was sent back to work.

That worker, a few hours later had what the whistleblowers described as pus or discharge issuing from the affected eye. Supervisors again chose to rinse the eye with saline solution, and send the worker back to work rather than seek medical attention.

The eye injury was never reported.

Garner has been under increasing scrutiny after a Michigan Messenger investigation uncovered that one of its subcontractors had employed undocumented workers in unsafe working conditions.

The subcontractor was fired less than 24 hours after the Messenger report came out, and on Wednesday last week, workers from the company were arrested in Winnie, Texas. They were on buses chartered by Phillip Hallmark and his company Hallmark Industrial, the subcontractor the Messenger investigation identified.

Garner has declined numerous media interview requests, including from Michigan Messenger. Enbridge says Garner appears to have been unaware of the undocumented workers on the river, or the unsafe conditions they were being subjected to.

The original Messenger story documented that workers were toiling on the river for as many as 14 hours a day, seven days a week. Pictures provided by a confidential source showed workers eating food and drinking water while still dressed in clean up gear covered in oil.

Workers tell Messenger that raising issues about safety and working conditions were regularly met with threats to their jobs.

“If you complained, they tell you, ‘we’re going to send you back on the next boat,’” a worker said. “If they did that, you know when you get back to the buses, you didn’t have a job no more.”

Another worker said that raising safety concerns resulted in some workers being labeled as “lazy” by supervisors from the subcontractor and Garner.

Tropical Storm Hermine lashes south Texas

Updated 15h 22m ago

By Paul J. Weber, Associated Press

By Eric Gay, AP

Manager Juan Cortez surveys a room at his motel on Tuesday in Raymondville, Texas. The motel lost a portion of its roof when Tropical Storm Hermine swept through the area.

RAYMONDVILLE, Texas — Tropical Storm Hermine gave a wet and windy punch to Texas on Tuesday but left only minor scrapes in the storm-weary Rio Grande Valley, which is proving resilient this hurricane season after taking a third tropical system on the chin.

Hermine lost steam after crossing into Texas with tropical-storm strength. A peeled-back motel roof in the coastal farming town of Raymondville and scattered power outages were about the worst leftover from the gusty, drenching storm that came and went quickly after creeping up on Texas and Mexico in the warm Gulf waters over the long holiday weekend.

As of late Tuesday afternoon, the center of the storm was located about 65 miles west-southwest of Austin and had maximum sustained winds of 40 mph. The National Hurricane Center predicts the storm will weaken to a tropical depression overnight.

"I think we're lucky. It could've been worse," said Art Nelson, sizing up the hulking aluminum shed that collapsed on a farming plow at his John Deere store in Raymondville.

Mexico didn't get off as easy. Hermine knocked out power for several hours in Matamoros and damaged about 20 homes, whose inhabitants were among 3,500 people who evacuated to shelters.

About 1,000 families were still in shelters Tuesday morning. Authorities in Mexico said there were no reports of serious injuries or death, which was welcome news after 12 people in Mexico died in flooding caused by Hurricane Alex earlier this summer.

Texas also had no reports of serious injuries, and evacuations orders weren't necessary even in the most low-lying regions. It was another sigh of relief for the flood-prone Rio Grande Valley, which got lashed by Alex at the start of the summer and soaked by another tropical system in July.

So damp is the area that only last week did Hidalgo County finally put away its last water-pumping machine. But much of the 5 inches to a foot of rain from Hermine fell harmlessly in the Gulf, and flooding was limited to only minor nuisances.

The storm made landfall early Tuesday in northeastern Mexico with winds of up to 65 mph, arriving near the same spot as Alex. But Hermine was expected to cover more of the U.S. than Alex,

which swiped Texas in June as a Category 1 storm before plunging southwest and breaking up over Mexico.

Forecasters expect Hermine's remnants to spread as far north as Oklahoma and Kansas. Flash-flood advisories remained in effect for counties in path of the slowly dissolving storm.

"This is going to be much more of a memorable storm than Alex," National Weather Service meteorologist Joseph Tomaselli said.

In Mexico, authorities had released water from some dams to make room for rain. It added more anxiety in the northeast cattle-ranching region where residents already live under the fear of a bloody turf war between drug cartels. Hermine struck around the same area where 72 migrants were killed two weeks ago in what is believed to be the country's worst drug gang massacre to date.

By Tuesday afternoon, lights were gradually turning back on for about 50,000 people who lost power. Practically all of Raymondville had been in the dark after Hermine blew out signs, snapped utility poles and skinned the roof of the Best Rest Inn motel.

Melodie Tamyl and Roy Tamez were in their second-story room when their ceiling began bowing up and down. They opened the door just in time to watch the wood awning flip violently backward.

"I told (Melodie) that we've got to get out of here right now," said Tamez, 52. "The whole roof is about to go."

The couple returned Tuesday to find half the roof over their room gone and their bedding soaked and soiled with ceiling tile and mud. They picked through soggy clothes and food, salvaging what they could.

Hermine made landfall barely a day after becoming a tropical storm. That left many south Texas residents with little notice, but also gave the storm little time to build up steam.

LAS CRUCES SUN-NEWS.com

Greenhouse gas emissions meeting today

Sun-News report

Posted: 09/06/2010 10:24:31 PM MDT

LAS CRUCES - A hearing on a proposed greenhouse gas emissions cap will be held today from noon until 6:30 p.m. at the New Mexico Farm & Ranch Heritage Museum, 4100 Dripping Springs Road.

The cap would only be in place for eight years and would reduce the state's greenhouse gas emissions by 25 percent - 3 percent per year - by targeting power plants and oil and gas operations that emit more than 25,000 metric tons of carbon dioxide per year. Emitters could also purchase offsets for various sites, bank credits for future use and would be given credit for gas reductions completed in the last five years.

Electricity rates for consumers would go up less than 1 percent under the proposal.

The proposed rule is being supported by petitioners including medical professionals, indigenous groups, rural interests, religious groups, and clean-energy and environmental advocates. After today's hearing in Las Cruces and a hearing in Farmington on Wednesday, the Environmental Improvement Board will resume official testimony by expert witnesses in Santa Fe on Oct. 4., and close its hearing on Oct. 5.

statesman.com

Stimulus helps small businesses with clean energy projects

Dog ranch, piano workshop get share of money.

By **Asher Price**
AMERICAN-STATESMAN STAFF

Published: 10:50 p.m. Monday, Sept. 6, 2010

The dogs at DogBoy's Dog Ranch appear to be relatively happy. The canines at the 15-acre facility can gaze at gently rolling rural land when they're not gnawing at balls, splayed out for a doggie massage or getting an adjustment the facility offers dog chiropractic services.

And, thanks to an extensive solar panel system partly paid for by the federal government, the 75 or so dogs can sleep in air-conditioned comfort in the kennels that board them.

Over the past year, the Department of Energy has showered billions of stimulus dollars on clean energy efforts, mostly to large-scale wind and solar projects nationally and in Texas. Tucked among these hefty grants, however, are seemingly random payouts like the $23,948 for DogBoy's Dog Ranch and the $15,582 to Rappaport's Piano Workshop outside of Round Rock, according to a Statesman review of a federal stimulus program for commercial renewable energy projects. Statewide, they include an animal hospital in Odessa and an aerospace engineering laboratory in the small town of Justin, north of Fort Worth.

The owners of these small businesses used their savvy and tips from experts to tap an enormous federal chest and cut down on their energy bills.

The story of the dog ranch solar panels starts at the Deutschen Pfest in Pflugerville in May 2009. Courtney and Bart Emken, who own the ranch and call themselves DogGirl and DogBoy on business cards and license plates, stopped by the booth of Longhorn Solar, a solar installation company that had just started up to take advantage of the federal stimulus money.

By December, Longhorn had put 65 solar panels atop a south-facing roof on one of the DogBoy's Dog Ranch kennels, with a sticker price of $87,000, said Courtney Emken. In addition to the federal money, Austin Energy covered $52,000 as part of its rebate program. In the end, the Emkens paid about $10,000.

The panels supply energy to three of the four buildings, two kennels and an office, which total roughly 5,000 square feet. During the peak-energy summer months, the solar power has covered as much as a third of the electricity use at the property; in the spring it covered two-thirds.

"We just expanded in December, and we wouldn't otherwise have had capital to do it," Courtney Emken said. "It was only because we got both of those (payouts) that it was so attractive."

Nationally, more than $2 billion has been awarded through the U.S. Treasury Department's dryly named 1603 Program ("Payments for Specified Energy Property in Lieu of Tax Credits"), with small awards going to businesses such as the Grumpy Troll Restaurant and Brewpub in Wisconsin, Gumbos Creole Cafe in Virginia, Lucifer Furnaces in Pennsylvania, Bradley and Stow Funeral Home in New Jersey and the Napa River Winery in California.

The lion's share has gone to Texas, where at least 34 recipients have received $1.27 billion in grants, with the vast majority going to large-scale wind farm developers.

Those awards came under fire in a report by the Investigative Reporting Workshop, a nonprofit journalism group based in Washington. The report said the wind developers were largely foreign-based companies, undercutting the rationale to create American jobs.

But by their nature, these small wind and solar projects involve installation by American workers, even if component parts of the solar panels are manufactured overseas.

Louis Petrik, chief operating officer of Longhorn Solar, the company that installed the panels atop the dog ranch, said he now has 10 employees and more installation projects on the horizon.

"The stimulus has been huge," he said. "It allows us to put a lot of jobs in the pipeline and go out and actively hire."

The program is not open to homeowners, but they can choose, along with businesses, to get a 30 percent federal tax credit for installing solar systems. The 1603 initiative, so named because it is section 1603 of the stimulus law, pays out checks directly to recipients. Applicants have until Oct. 1, 2011, to ask for the money, but they have to install a clean energy project by the end of this year to qualify.

"This initiative will not only create new jobs and help strengthen our nation's recovery, but also lay a foundation for the future growth of our nation's clean energy economy," said Matt Anderson, a spokesman for the Treasury Department.

In Round Rock, Joel Rappaport and his wife decided to put solar panels atop their piano repair workshop after hearing about their virtues from his brother, who lives in Austin and had put them atop his house.

In a barnlike building full of custom-made carpentry tools, the Rappaports are at any given time repairing seven or eight pianos. The repairs can take a year or more and cost $40,000.

"Initially, it was environmental responsibility, but we had to investigate if we could afford it," said Rappaport, who said he learned more through Internet searches. "When it turned out it was a good deal, we went ahead and invested the money."

In July 2008, he consumed 2,334 kilowatt-hours of electricity provided by his utility company.

The system was installed atop his building and began supplying part of his energy in the summer of 2009, and in July of this year, the power he had to purchase was only 530 kilowatt-hours.

The gross cost of his system was $52,000. But his electricity provider, Oncor Electric Delivery Co., chipped in $20,000, the result of a legislative mandate requiring utilities to expand their renewable energy portfolio. And the federal government sent Rappaport a check for just over $15,000.

In the end, he was out of pocket $16,000.

This year, with the aid of the federal tax credit, he and his wife invested in more solar panels for their home.

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The Washington Post

FDA considers approving genetically modified salmon for human consumption

By Lyndsey Layton
Washington Post Staff Writer
Monday, September 6, 2010; 5:16 PM

The Food and Drug Administration is poised to approve the first genetically modified animal for human consumption, a highly anticipated decision that is stirring controversy and could mark a turning point in the way American food is produced.

FDA scientists gave a boost last week to the Massachusetts company that wants federal approval to market a genetically engineered salmon, declaring that the altered salmon is safe to eat and does not pose a threat to the environment.

"Food from AquAdvantage Salmon . . . is as safe to eat as food from other Atlantic salmon," the FDA staff wrote in a briefing document.

Those findings will be presented Sept. 19 to a panel of scientific experts which will advise top officials at the FDA whether to approve the altered salmon. The panel is holding two days of meetings to hear from FDA staff, the company behind AquAdvantage and the public.

AquAdvantage is an Atlantic salmon that has been given a gene from the ocean pout, an eel-like fish, which allows the salmon to grow twice as fast as a traditional Atlantic salmon. It also contains a growth hormone from a Chinook salmon.

AquaBounty, the Massachusetts company that first applied to the FDA for permission to sell its fish in 1995, said the modified fish is identical to the Atlantic salmon, except for the speed of its growth.

"We've been studying this fish for more than 10 years," said Ronald L. Stotish, the company's president and chief executive. "In characteristics, physiology, behavior, this is an Atlantic salmon. It looks like an Atlantic salmon. It tastes like an Atlantic salmon."

The team of scientists at the FDA that reviewed AquaBounty's application seems to agree. "We have found no biologically relevant difference between food from [AquaBounty salmon] and conventional Atlantic salmon," the briefing documents said.

The Washington Post

FDA considers approving genetically modified salmon for human consumption

But independent scientists, consumer groups and environmental organizations are concerned about both the pending decision and the process that the FDA uses to determine whether the genetically modified fish is safe for human health and the environment.

The agency is evaluating the fish as if it were a new veterinary drug, which means the FDA's deliberations are behind closed doors and that AquaBounty can claim much of the research and other supporting data it supplies to the FDA is confidential.

"Critical information about the whole process has been kept from the public and organizations that focus on these issues," said Wenonah Hauter, executive director of Food and Water Watch, part of a coalition of 31 organizations and restaurant chefs that is demanding that the FDA deny approval of the altered fish. "There's a transparency problem."

Siobhan DeLancey, an FDA spokeswoman, said the agency is following rules. "We do have obligations under the regulations to protect company confidential information," she said.

Hauter and other critics said the information shield makes it difficult for independent scientists to thoroughly analyze claims by AquaBounty or the FDA staff that the altered fish poses no long-term risk to human health or the environment.

Consumer groups and environmental organizations are particularly concerned that AquAdvantage Salmon could escape their fish farms to threaten the wild salmon population, which is severely endangered, Hauter said.

Anne Kapuscinski, a professor at Dartmouth College and an international expert on the safety of genetically modified organisms, said she is uncertain how well the FDA is able to fully assess the risks to the natural world that may be posed by an organism created in a laboratory.

"If you put the top scientific researchers in this area into a room, they would have to work very hard together to figure out the conclusion for ecological risk," Kapuscinski said. "This is very, very complex."

The pending decision is being tracked by

The Washington Post

FDA considers approving genetically modified salmon for human consumption

biotechnology companies that have invested millions of dollars in developing genetically modified animals for food and are waiting for the FDA to act on their approval requests.

Scientists at the University of Guelph in Ontario, Canada, have asked the FDA to approve their "Enviropig," a hog genetically a ltered to produce environmentally friendly manure. Hematech of Sioux Falls, S.D., is developing genetically modified cows that are resistant to mad cow disease.

The United States has approved genetically modified plants such as corn and soybean.

The fish decision is expected to reverberate beyond the United States. "If these genetically engineered salmon are approved, it will be setting worldwide precedent because salmon is a global commodity," Kapuscinski said. "It will be the first genetically engineered animal approved for human consumption and for wide-scale farming."

In developing its fish, AquaBounty took an Atlantic salmon and inserted a growth hormone gene from a Chinook salmon as well as an "antifreeze" gene from the ocean pout.

Conventional salmon stop growing in cold weather and grow very slowly in the first year of life. But the pout's antifreeze gene allows the salmon to produce growth hormones all year, and the genetically modified fish can grow to market size in 18 months instead of three years, AquaBounty said. That means farmers can speed production and increase yields, the company said.

Stotish said the genetically modified fish can become a sustainable source of food for an exploding global population.

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OOIDA to accept applications for APU grants for certain states

The Trucker News Services

9/6/2010

OOIDA will be able to offer qualifying members a 40 percent reimbursement for the cost of the APU unit and the installation of the unit.

GRAIN VALLEY, Mo. — Members of the Owner-Operator Independent Drivers Association who reside in specific states may apply for an auxiliary power unit (APU) grant starting Tuesday.

The Environmental Protection Agency selected OOIDA to receive a $1 million grant to help install approximately 300 emission-cutting APUs in trucks that operate in EPA Regions 6 and 7.

Region 6 includes Arkansas, Louisiana, New Mexico, Oklahoma, Texas and 66 tribal nations. Region 7 includes Iowa, Kansas, Missouri, Nebraska and nine tribal nations.

OOIDA will be able to offer members a 40 percent reimbursement for the cost of the APU unit and the installation of the unit. This particular grant will be only for OOIDA members who reside in Regions 6 and 7. OOIDA is among five organizations included in a total grant of more than $5.1 million in Diesel Emissions Reduction Act funds (DERA).

Through DERA, EPA provides support for retrofits, engine upgrades, vehicle replacements, idle reduction, cleaner fuels and financing for clean technologies for trucks, buses, and non-road equipment. Overall, the improvements funded by these grants consist of EPA-verified and certified technologies to assist in the reduction of diesel emissions.

The grants will be administered through the OOIDA Foundation, which is the Association's research arm. OOIDA Media Spokesperson Norita Taylor said the Foundation has been working with the EPA on details regarding applications, which will be handled by OOIDA's Equipment Finance Department.

"Qualifying OOIDA members who reside in those regions who are interesting in applying should contact our Equipment Finance Department for details on the program," she said.

EPA estimates every dollar invested in reducing diesel exhaust will yield up to $13 in public health benefits. Through the use of this funding, the agency claims potential for approximately $4 billion of health benefits nationwide.

The Owner-Operator Independent Drivers Association is the largest national trade association representing the interests of small-business trucking professionals and professional truck drivers. OOIDA was established in 1973 and is headquartered in the greater Kansas City, Mo. area. The Association currently has nearly 154,000 members from all 50 states and Canada.

The Trucker staff can be reached to comment on this article at **editor@thetrucker.com**.

The Mercury News
MercuryNews.com

Chevron may be seeking exemption from state environmental laws for its refinery rebuilding project

By Paul Rogers
progers@mercurynews.com

Posted: 09/06/2010 07:00:00 PM PDT

Updated: 09/06/2010 11:14:56 PM PDT

One of Northern California's largest polluters may be trying to orchestrate a last-minute deal with Sacramento lawmakers to evade state environmental laws, potentially increasing its toxic emissions and skirting two court rulings.

For five years, Chevron has been trying to rebuild and upgrade its Richmond refinery in Contra Costa C ounty. But environmental and community groups sued, arguing that the company was concealing plans to process heavier grades of crude oil, which can increase pollution.

A judge agreed last year, halting the construction work. In April, the state First District Court of Appeal also ruled against Chevron, saying the company's environmental impact report is "inconsistent and obscure" and fails to clearly tell the public how the project would affect refinery emissions.

Now environmentalists and some legislators are sounding the alarm in Sacramento, saying Chevron's lobbyists in the Capitol have been quietly trying to craft a deal to give the company -- America's third largest, with $10.4 billion in profit last year -- an exemption from the state law that requires environmental studies of major projects.

"The courts have said, 'You didn't follow the law. You are going to be polluting communities a whole lot more than you are disclosing,' " said Tina Andolina, legislative director for the Planning and Conservation League, a Sacramento environmental group. "This company broke the law, and now they are coming to ask

for an exemption to the law they broke."

Three weeks ago, Assemblyman Pedro Nava, D-Santa Barbara, sent a memo to state lawmakers warning them that Chevron was seeking the exemption. "Don't give it to them!" his memo said.

Nava, chairman of the Assembly environmental safety committee, said he's most concerned that Chevron, which has handed out $4.1 million in campaign donations since 2009 to state lawmakers, will push through a "budget trailer bill" providing the exemption. Such bills are often written in secret by legislative leaders and introduced only minutes before being attached to a final vote on the state budget, without hearings or public scrutiny.

"If somebody is going to try to do the dirty deed, that's where they would sneak it in," Nava said. "The result would be more children with asthma and tremendous impacts to public health."

Chevron officials did not directly answer when asked by the Mercury News whether they are seeking the exemption.

"We've reviewed a number of options, and at this

The Mercury News
MercuryNews.com

point nothing is concrete," said Brent Tippen, a Chevron spokesman.

Asked whether the company would refuse to accept such an exemption, Tippen added in an e-mail: "Speculation on any alternative means of resolving the outstanding issues would be premature." Tippen confirmed that the deadline for Chevron to appeal its case to the state Supreme Court has passed, and that Chevron did not appeal.

In an interview Friday, U.S. Sen. Dianne Feinstein said she has not followed the case closely, but added: "If there's a court finding against Chevron and they didn't appeal, it seems to me they ipso facto accept the judgment."

In recent years, state lawmakers have made numerous attempts to bypass the state law that requires environmental impact reports. That law, the California Environmental Quality Act, is criticized by developers and industry as time-consuming and costly. Community groups and environmentalists say it provides the public key information about how much traffic, noise and pollution large new projects -- from highways to housing developments -- will create, resulting in requirements to offset those impacts.

Last fall the Legislature granted a waiver from the law to billionaire developer Ed Roski Jr. to build a 75,000-seat NFL stadium in City of Industry, near Los Angeles. Last month, lawmakers voted down a bill sponsored by Wal-Mart that would have waived environmental review of new big-box retailers moving into vacant stores, following Mercury News stories about it.

The Chevron refinery sits on 2,900 acres adjacent to San Francisco Bay. Chevron has been trying to replace aging equipment at the facility to refine a wider range of crude oil and produce more California-grade gasoline.

Built in 1902 by Standard Oil, the refinery ranks as the third-largest source of toxic pollution in Northern California, having released 604,483 pounds of chemicals last year, including 392,038 pounds of air emissions such as benzene, lead, ammonia, zinc, acids and other chemicals through its smokestacks and other equipment, according to EPA records. The plant also is the single largest source of greenhouse gas emissions in California, having put out 4.8 million metric tons in 2008, according to the state Air Resources Board.

Tippen, of Chevron, said the company is in mediation talks with environmental groups, state and local officials, and labor leaders -- who are pushing for the more than 1,000 idled construction jobs at the site to be restarted. The main mediator is Assemblyman Mike Feuer, D-Los Angeles. Last summer, Chevron donated $1,000 to his Assembly campaign.

"This is David vs. Goliath," said Andolina of the Planning and Conservation League. "Chevron's got very deep pockets. They are holding the jobs hostage and getting people riled up. We're worried. If they had done their job right the first time the refinery would be up and running."

Contact Paul Rogers at 408-920-5045.

Mail Online

Prince Charles spreads the green gospel...with a £50,000, five-day Royal Train trip!

By Ryan Kisiel

Last updated at 6:41 PM on 6th September 2010

When it comes to green issues, Prince Charles seems often to not practice what he preaches

The gap between what he preaches and puts into practice has often appeared cavernous. And now Prince Charles looks like he's fallen straight into it.

Today he sets out on a tour of the country to promote sustainable living including the importance of walking and cycling – in a £50,000 trip aboard his own nine-carriage Royal Train.

Green groups have attacked the taxpayer-funded journey for double standards and unnecessary extravagance.

And if Charles thought filling the private train with biofuel would earn him any much needed green kudos – he can think again, with activists casting doubt on its benefits.

The Green Party, which in the past has hailed the prince's environmental efforts, joined growing criticism of the trip.

A spokesman said: 'At a time when people are facing cuts in public services, the idea of a private train costing £50,000 more than ordinary first class tickets might seem a bit insensitive.

'It would be wrong to associate green policies and projects with hair-shirt austerity, but associating them with extravagance isn't good either.'

Director of the Global Warming Policy Foundation Benny Peiser, of Liverpool John Moores University, called the trip 'a clear case of double standards'.

'Prince Charles and other super-rich people are not aware of the discrepancy between what they preach and what they do,'he said.

'His lifestyle creates a carbon footprint which is 100 times that of any other person in the UK.

'If he is really concerned about the environment, he should stop using cars, planes or in this case trains, and practice what he preaches.

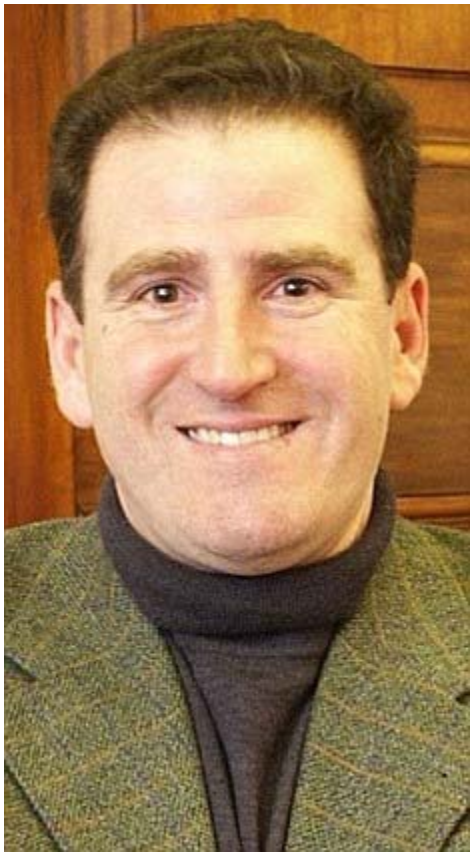
Mixed signals: Prince Charles will use the Royal Train, right, for the £50,000 tour to promote sustainable living including cycling

'It is ironic that he is travelling on a train to promote cycling as a green mode of 'Even if the train is using biofuels, the journey is still questionable.

'Bio-fuels are morally dubious as they are grains that are grown specifically to be used for energy and not food.

We have millions of people starving around the world and bio-fuels are pushing up the price of food.'

The train runs on a sustainably sourced bio-diesel produced from recycled cooking oil.



Director of the Global Warming Policy Foundation Benny Peiser said: 'This is a clear case of double standards'

Prince Charle's five-day tour for his campaign Start will begin in Glasgow, and stop in Edinburgh, Carmarthen, Bristol, Newcastle, Todmorden, Manchester, Nottingham, Birmingham and London.

It is the latest in a long line of environmental gaffes that have seen Charles accused of 'green hypocrisy'. He last year flew into the Copenhagen Climate Change Conference on the Queen's Flight.

He left after three hours. In 2007, he was accused of double standards for flying first class on a 7,000-mile round trip to collect a green award in New York.

During the same year, the prince took a train from London to Woking to promote rail travel.

It emerged later that his Jaguar XJ, accompanied by a Range Rover full of bodyguards, made the same 31-mile journey to meet him.

But courtiers say the benefits of the Royal Train outweigh its costs, because it allows royals to meet their busy schedules by travelling overnight in a secure environment.

In the past 12 months the train was used on 19 occasions, covering an average of 751 miles, and cost almost £1million.

A Clarence House spokesman said Charles will use the train as a travelling office, adding: 'It is not practical to use scheduled trains in such a busy programme which has ten locations in five days. On this occasion the Royal Train was the best solution.'

Comments (90)

Newest
Oldest

Associated Press

September 6, 2010

Philly cyclists bare all to promote cleaner air

Hundreds of naked and partially nude cyclists have pedaled their way through Philadelphia to promote bicycling awareness and cleaner air.

Some of the buff bikers wore body paint, some were in bathing suits and some were completely naked.

This was the second year for the Philly Naked Bike Ride. Similar rides have taken place in more than 70 cities worldwide since 2004.

The bicyclists pedaled several miles through the city on Sunday evening.

People on a double-decker tour bus react upon seeing cyclist make their way through the streets of center city Philadelphia during a naked bike ride on Sunday Sept. 5, 2010. (AP Photo/Joseph Kaczmarek)

Where all roads lead to a node

Grid operator will flip the switch on system to ease power congestion

By PURVA PATEL
Houston Chronicle
Sept. 5, 2010, 8:33PM

The state's main electricity grid operator soon will switch on a half-billion-dollar system to relieve congested power lines as part of a plan it says will save consumers money.

Proponents of the nodal system say it will help lower electricity costs by moving power more efficiently. But critics say consumers, who are ultimately footing the bill, won't see much benefit from the project.

The cost of the nodal system, which has increased more than fivefold from the $100 million projected six years ago, will be charged to whole sale power producers that generate electric power.

They'll probably include those costs in prices they charge their customers, retail electric providers, which in turn likely will share the costs with consumers.

The latest estimate by the state's grid operator, the Electric Reliability Council of Texas, is that the project will cost $530.2 million.

The state now is divided into four "congestion management zones." Congestion occurs when there aren't enough power lines to move the power demanded at any given moment.

Each zone has its own price for wholesale power based on the electricity available in the area and the capacity of the lines to move it. Congestion leads to higher costs when ERCOT has to bypass bottlenecks to get power to users.

ERCOT manages congestion by ordering generators to ramp up or ramp down production. It pays them for it, then passes the cost on evenly to all retail electric providers that buy electricity in the wholesale market. Line congestion caused wholesale power prices to spike to thousands of dollars per megawatt-hour in 2008.

The prices, which seldom top a few hundred dollars per megawatt-hour, shot up so much that some retailers went out of business because they couldn't afford to buy electricity for their customers.

The nodal system — under testing and scheduled for launch in December - creates about 4,000 points, or nodes, each with its own price for power based on power availability and congestion. The nodes likely will be major switching stations or individual power plants, an approach backers say should help ensure that power comes from the cheapest, which often means closest, generation plant when needed.

In the nodal market, ERCOT will spread the cost of congestion at a node to all retailers within that node's zone. ERCOT will pay the price calculated for that node to the generator that ramps up production.

Supporters of the system say that because the nodal system will confine the costs of congestion within smaller geographical areas, it will be easier to pinpoint where the clogs are occurring and where power plant operators should invest in projects to relieve it.

A 2008 study found that the system ERCOT now has begun testing, which consists mostly of new software, will save consumers as much as $5.6 billion in wholesale power costs over the first 10 years the system is in operation.

Some industry players, however, say there are too many unknowns to figure how much consumers will really benefit.

Among the variables are the costs retailers pass along to customers.

Retailers aren't allowed to pass along congestion charges directly to residential consumers with fixed-rate plans until their contracts come up for renewal, said Terry Hadley, a spokesman for the Public Utility Commission of Texas.

But they can pass such costs to customers on month-to-month plans and to businesses.

Each retailer will have to determine how it handles the costs, said Jason Few, president of Houston-based Reliant Energy. He declined to say how Reliant plans to deal with the charges.

StarTex Power plans to continue its current practice of buying forward looking contracts for power ahead of time to hedge for congestion expenses, but the Houston retailer has also purchased insurance to help buffer against unexpected costs, said Marcie Zlotnik, chief operating officer and a member of the ERCOT board of directors.

"You can hedge or you can take a chance," she said. "We're not taking any chances."

Less sophisticated retailers may be taken by surprise and have to eat the cost or try to pass it on to variable rate customers or commercial customers, she said.

"That raises the question: Is there more risk being on a variable rate plan?" she said. "If you are a commercial customer getting ready to sign a contract, you better be aware when they say they'll pass on nodal fees because nobody knows what they're really going to be."

Retailer mistakes may translate to higher consumer costs and offset ERCOT's projected $5.6 billion in savings.

The savings are slim anyway relative to the overall Texas electricity market - which ERCOT says is $34 billion a year -and they're spread over 10 years, said Chris Brewster, an Austin attorney who represents cities in utility issues and who sits on ERCOT's Technical Advisory Committee.

"In the long term, it might just end up being a wash for consumers," Brewster said.

Though the nodal system may make it easier to spot congestion and where new power plants are needed, it ignores the reality of how plants are built, he added.

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Environmental constraints can thwart new power lines, and scarcity of water or a dense population could make building a plant in certain areas impractical, he said.

"It is unlikely that a power plant could be built in Houston, for instance, given the lack of space, likely opposition of Houston residents, and air quality restrictions," he said.

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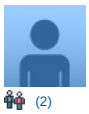
(2)

Terry1737 wrote:
Deregulation is a failure. All of these different hands in the pie just multiply the cost. Previously we just had one set of overhead to run the company. Now we have 4-5 companies involved and 4-5 times the cost.
9/6/2010 1:37:29 AM
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Royal_Rabbit wrote:
.
Trying to describe the grid & it's effect on cost is like trying to describe & justify a 'simple' government program that grew from 10 employees to 50,000 employees in 2 years.
.
9/6/2010 8:30:40 AM
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anorlunda wrote:
Deregulation works fine if properly managed. The New York ISO recently completed a comparable computer project. They did it in 3 years and 1/10th the cost of ERCOT's project. Why? ERCOT's participants kept changing their minds about critical details -- a sure recipe for runaway project costs.
9/6/2010 7:49:04 AM
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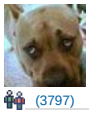
(3797)

FloLake wrote:
The nation's power grid is in sore need of being brought into the 21st century.
9/6/2010 2:00:38 AM
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HalT wrote:
So who were the companies and consultants who were paid half a billion to build a 100 million dollar project?
What happened to the project leader?
You want good government, hold government accountable.
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(2)

Terry1737 wrote:
Why do residential customers pay more than commercial customers? A residential customer using 2,000 kilowatts and a business using 2,000 kilowatts a month to not pay the same rate. The residential customer pays as much as 70% more. I know, I just fought this battle with Reliant. After threatening a class action law suit, they cut my residential rate to match my commercial rate.
9/6/2010 2:12:44 PM
Recommend: (1) (1) [Report abuse]


(2)

Terry1737 wrote:
I don't see how any retailer can give a fixed price. They have to pay at the current price being charged by the node servicing them. This could be all over the place. Why not let a company contract with a power plant and then pay to have power transported over common wires. They must buy as much power as their customers use. Or, just let CenterPoint buy from the cheapest source and cut out the middlemen and power speculators. Houston residents pay some of the highest rates in the state and country.
9/6/2010 2:07:13 PM
Recommend: (1) (1) [Report abuse]

hotpuppy wrote:
We need to put a leash on the power market... we are being taken to the cleaners!
9/6/2010 12:39:55 PM

Water quality at smaller lakes not often monitored due to resource constraints

Posted: Sunday, September 5, 2010 12:58 am

Jo Lee Ferguson East Texas Community Newspapers |

A video on the state parks website shows people jumping from a platform into the water at Tyler State Park and maneuvering canoes across the water.

It is one of the spots the state parks department directs Texans to for lake, river or creek swimming.

It's also one of the many bodies of water in East Texas no one appears to be monitoring for E. coli, a bacteria that can make swimmers ill.

Water quality officials say most large bodies of water where people swim in Texas undergo some level of testing for the bacteria but acknowledge there's no way to test them all. That means smaller or private lakes often are not monitored.

"The problem is a matter of resources and trying to get enough resources into place where you're testing regularly all the areas people are utilizing regularly as swimming areas," said Miles Hall, environmental services division manager with the Sabine River Authority. "There's not a program set up like that."

Further, there is no program to provide a real-time guarantee that elevated levels of bacteria aren't present before a swimmer hits the water. So many agencies have responsibilities and differing approaches to water quality that even finding information about which bodies of water are being tested and who reports the results is difficult.

That's not to suggest no testing or notification is done. The U.S. Army Corps of Engineers conducts regular testing of many of the reservoirs it oversees. It shut down beaches at Lake O' the Pines for a few weeks this summer after finding elevated levels of fecal coliforms - a group of bacteria that includes E. coli.

But East Texas is home to many other lakes and other bodies of water used for recreation. And at least a couple of state park swimming holes and some small private lakes that are open for public uses are not being monitored, including several lakes at summer camps. The rest don't appear to be tested at the frequency the Corps of Engineers tests swimming beaches during the summer recreation season.

Rick Lowerre, president of the Caddo Lake Institute, summed up the patchwork system of testing and public notification in one word: "Inadequate."

What we know

Texas monitors its rivers and lakes for long-term water quality, considering E. coli levels and other water quality indicators. Some coastal beaches undergo more frequent testing under the General Land Office. The effort is led by the Texas Commission on Environmental Quality with involvement from other agencies.

But there is not, as one state official said, a "tidy" answer to the question of who's conducting water quality testing on Texas' lakes, rivers and streams. In addition to what the environmental quality commission monitors, for instance, the Texas Department of State Health Services conducts fish and seafood testing when other agencies identify concerns.

Still, state officials maintain that there's no cause for concern if testing isn't occurring as frequently as the Corps conducts it during the

swimming season, and say doing more would be a challenge given the number and size of the bodies of water the public uses in Texas.

"For one thing, it takes a 24-hour incubation period to test for bacteria samples," said Jim Davenport, aquatic scientist with the Texas Commission on Environmental Quality's surface water quality team. "There's a lag time built in anyway. They're not looking at real-time conditions either."

The state has about 1,800 fixed water-quality monitoring stations in surface water around the state where sampling of various kinds occurs. That includes river authorities and other participants of the Clean Rivers program.

That might sound like a lot of testing, he said, but Texas has more than 10,000 named streams, and there are thousands of reservoirs larger than 10 acres.

"Because of that, we have to pick our battles," he said. The commission tries to conduct regular monitoring of the most used, larger bodies of water that it hopes can act as indicators for water quality in an area.

He said several monitoring stations usually are based at larger reservoirs with sampling taking place quarterly or monthly. But the state is just too big to allow frequent testing at smaller reservoirs, he said.

Sabine River Authority

Hall, with the Sabine River Authority, cited similar issues as he explained his organization's water quality testing program on the river and its reservoirs. It is done in coordination with the Texas Commission on Environmental Quality as part of the Clean Rivers program.

The river authority had a water quality monitoring program earlier than much of the state, Hall said. Other organizations around the state also participate in the Clean Rivers program to monitor other basins.

"We would have a monitoring program even if the Clean Rivers program didn't exist because we are concerned about water quality in the Sabine basin," he said. "But the Clean Rivers program has been one of the most successful programs ever launched because it got all the river programs involved in water quality."

The river authority tests about 40 sites each month and reviews its list of testing sites each year to ensure monitoring is done where it's most needed and in response to complaints. Target sites consist of water intake areas - the Sabine River provides drinking water for many cities along its path - and public access points.

As Davenport explained it, the Clean Rivers program is coordinated for each basin in the types of samples, testing frequency and sampling locations. The state agency tests some sites and its partners test others.

"We have very good water quality in the Sabine," Hall said. "There are some areas that are not as good as others, but that's the nature of water quality."

Still, the program has limitations when it comes to watching for E. coli.

"The test itself and the routine way you test is well and good," he said. "In our basin, we try to make sure that if an area is being utilized that we're at least testing the lake, but when you have these huge lakes, all you can do is spot check. And we can't go out there every time someone gets in the water and say it's safe. Through our spot checks that we're doing, we're relatively sure that our lakes are safe to swim in. Bacteria doesn't just appear one day and it's gone the next. If it's a problem, you're going to find it."

Lake O' the Pines

concerns

The state and other entities involved in monitoring water quality have a good idea where problem areas are, according to Tony Martin, manager of Lake Cherokee. The private lake is one of the sources for Longview drinking water, although drinking water quality is a separate issue from recreational contact concerns. A number of homes are on the lake, where people swim and boat.

The Sabine River Authority works with the city of Longview for testing on Lake Cherokee and the Sabine River. Ben House, the city's

industrial pretreatment inspector, said sampling, including for E. coli, occurs 10 times a year.

"We did the testing simply to ease the minds of our residents because of all the publicity in the paper about the E. coli in Lake O' the Pines," Martin said. "We did run the tests and got the results back, and it was about what I expected."

Two of six samples registered E. coli, but nowhere near levels considered a problem.

"In my opinion, the state or any local authorities would have a pretty good idea if there was a chance, a legitimate chance of having E. coli to the point of it being a danger or a threat," Martin said. "They would know what lakes and rivers would be susceptible to that, I think. I think they do keep a good eye on those that are susceptible or those that have a high probability for an E. coli problem. (Lake Cherokee doesn't) have any of the factors that generally are involved in creating that problem."

Those factors include nearby poultry or cattle operations, for instance. Wild hogs have been known to contribute as well, because the E. coli bacteria lives in the feces of all warm-blooded animals.

Lake Cherokee wasn't the only agency that conducted special testing this summer as a result of problems at Lake O' the Pines.

The Northeast Texas Municipal Water District, which participates in the Clean Rivers program by monitoring the Cypress Creek Basin, checks water in Ellison Creek Reservoir, also known as Lone Star Lake.

Executive Director Walt Sears said there's not an ongoing problem with bacteria at the lake, but after the issues surfaced this summer at Lake O' the Pines, the water district conducted special testing to confirm it.

Notifying the public

The bodies of water in East Texas the state has identified as having problem levels of bacteria include three streams the water district monitors - Hart Creek, Tankersley Creek and a portion of Big Cypress Creek. A $300,000 grant from the state's soil and water conservation board is funding a study about how to address bacteria levels in those streams. Sears said the water district is about a third of the way through that 2 1/2- to 3-year study. Part of the study is to determine whether people are swimming in those bodies of water.

He said his agency looks for cost-effective ways to let its stakeholders and members of the public know about problem areas - through the Internet, in an annual report on the organization's website, in meetings with stakeholders and by word of mouth.

For the state, the type of notification seems to depend on the problem. If, for example, testing shows elevated levels of mercury in fish, the Texas Department of Health Services handles public consumption advisories. Notices can be found at the lakes, and the Texas Department of Parks and Wildlife posts information about the advisories on its website.

If a lake has bacteria problems, Davenport said, it goes on a list that is submitted to the EPA listing bodies of water that are "impaired" for various reasons. As an example, the more-than-100-page document lists Hart, Tankersley and Big Cypress creek portions as impaired because of bacteria. Lake Daingerfield inside Daingerfield State Park is listed as impaired because of mercury in fish.

But there typically is no local notice about bacteria impairments, though it's possible the state could work with local entities to notify the public in the case of extremely high levels.

'We need a plan'

In March, however, one of two bacteria measurements at Lake Gladewater identified bacteria levels of 840/100 mililiters, well above the target level of 126/100 ml. The other sample was less than 10. It doesn't appear the high level triggered any notification, and the lake wasn't listed on the impaired list as having an ongoing bacteria problem. (For a look at the complete list of bodies of water that the state says are impaired for bacteria and other reasons, visit www.tceq.state.tx.us/compliance/monitoring/water/quality/data/10twqi/10twqi.)

"In reviewing E. coli data from around the state, it's common for single measurements to be that high (particularly in streams, and sometimes in lakes at tributary mouths or very near shore)," information from TCEQ said. "However, staff in our regional offices respond very quickly when there is known contamination and potential pathogens from an identified source - such as a spill or leak of improperly treated sewage. In these cases, TCEQ staff will immediately notify and coordinate with local authorities as well as take rapid steps to eliminate the source of pollution."

Christine Mann, spokeswoman for the Texas Department of State Health Services, said a mechanism is in place for the environmental quality commission to inform her agency of bacteria or illnesses so the agency can work with local health departments for public notification.

Davenport said elevations his agency sees typically are potential problems but not a real health threat. Instead, they're more of a long-term problem that's appropriate to address through restoration efforts instead of by banning swimming.

Not everyone agrees with the state's approach.

Lowerre of the Caddo Lake Institute said the state's approach to water quality must be changed to be more comprehensive and transparent.

"Obviously, it's going to have to be done at a local level," he said, noting counties and cities have parks with swimming areas. "We need to have a plan, and we don't, and it probably needs to be watershed by watershed, and the local people need to say we want this done, and it will get done."

Inhofe versus Coburn

by: JANET PEARSON Associate Editor
Sunday, September 05, 2010
9/5/2010 4:24:49 AM

Oklahoma's two senators are among the most conservative in Congress, but on at least one subject, their views could not be further apart.

U.S. Sen. Jim Inhofe, thanks in part to his status as ranking Republican on the Senate Environment and Public Works committee, has brought home tens of millions of dollars in federal funding over the years for a wide variety of Oklahoma projects. And he's darn proud of it.

U.S. Sen. Tom Coburn, on the other hand, never misses an opportunity to rail about the congressional practice of funding local projects, and ardently refuses to seek such funding.

So who's right?

Inhofe can hardly be called a tax-and-spend senator, but he's enthusiastic about making the case for funding worthwhile Oklahoma projects.

He feels so strongly about his stance that he's writing a book - not entirely about this issue, thank goodness - and he's also making the publicity rounds seeking support for his cause.

At the heart of this debate is the animal known as an earmark. An earmark, most observers agree, is a line-item appropriation that directs tax funds to a specific purpose, whether or not it has gone through the established budgetary procedure known as authorization.

The case for earmarks

Inhofe believes the ongoing earmark controversy is a "phony issue," and makes compelling arguments to prove his point.

First, he notes, doing away with an earmark doesn't mean the money goes back to the taxpayers or to the national treasury. In fact, when Congress eliminates an earmark, it gives the executive branch - currently President Obama and his team of bureaucrats - the opportunity to spend the money. And if you think the way Congress appropriates money is worrisome, try figuring out how federal agencies spend their funding.

Second, earmarks represent an almost negligible fraction of federal spending. Inhofe says they account for only about 1.5 percent of all discretionary spending, and the totals are declining. Even ardent foes of earmarking have to admit recent reforms have made a big dent in earmark spending. One recent report showed earmarks dropping from $19.6 billion last year to $16.5 billion this year. Both those figures are well below the record tally of $29 billion run up by the GOP majority in 2006.

The obvious reason for the decline in earmarks, aside from the ongoing negative publicity, is the reforms instituted in 2006 when Democrats took over Congress.

The reforms, intended to inject more transparency into the earmarking process, require that the name of the sponsoring representative appear next to the request and that information explaining where and why the money will be spent be provided.

It goes without saying reforms are never perfect. An earmark watchdog analyzed the 2010 budget and found 81 anonymous projects totaling $6.5 million, mostly defense projects. Obviously there's a loophole allowing anonymous projects to sneak in that needs to be addressed.

Oklahoma benefits

There's no question that some earmark projects are questionable. Foes typically raise such examples as a $50 million indoor rainforest in Iowa and $500,000 for a teapot museum in North Carolina.

On the other hand, many earmarks would win near-universal approval. Inhofe points to improved body armor

for American troops, unmanned aerial vehicles such as the Predator drone, and a new fleet of C-17 cargo planes - all funded by earmarks.

Oklahoma's five military bases have been the beneficiaries of tens of millions in earmarks over the years. Projects have included $20 million for airfield pavement repairs at Altus Air Force Base; $10 million for a consolidated maintenance complex at Fort Sill; $35 million for fuel system improvements at Tinker Air Force Base; and $12 million for runway/taxiway upgrades at Vance Air Force Base.

Oklahoma has received other significant earmark benefits, including improvements to Interstate 44 and the relocation of families outside of the Tar Creek Superfund site.

While the earmarking process could still be improved, there's a growing sense among many observers that it's preferable to the way federal agencies dole out funds. According to one recent report, the decline in earmarking has led to a growth spurt in lobbying activities at federal agencies, which are left to dole out the money in the absence of earmarks.

Case in point Inhofe raises: One federal transportation program pays for low-cost local projects such as bike trails and streetscaping. Using the earmark approach, Congress funded 102 projects in 35 states in 2008. But the year before, when earmarks were eschewed, the federal transportation agency directed those funds to just five big cities through a grant process.

Senator vs. senator

The spending debate has pitted Coburn and Inhofe directly against each other at times, most recently at a meeting last week in Tulsa. In response to a question, Coburn said he would not support a $50 million authorization Inhofe has secured for Arkansas River development. (The funds have yet to be appropriated.)

"Is it, in fact, the role of the federal government to take money from here, send it to Washington, and then send it back to Oklahoma for an economic development program here?" Coburn asked. "Find that in the Constitution for me."

Inhofe did. In a white paper on the subject, "Earmarks: A Phony Issue," he points to Article 1, Section 9 of the Constitution, which provides that authorization and appropriations are exclusively the responsibility of the legislative branch.

Inhofe agrees that generally, earmarks should be properly authorized through the committee process. And, he thinks many in Congress, especially some conservatives, are using the issue as a distraction to attract voters and divert attention from bigger issues - and bigger spending, such as the stimulus program, the bank bailout of 2008 and the Fannie Mae and Freddie Mac takeover, all of which won substantial Republican support.

"To be clear, there are many things that are proposed to be authorized and appropriated that should be defeated," Inhofe wrote in his recent analysis. "But Congress should defeat them based on the substance, not simply because they are called earmarks. A ... ban has the unintended consequence of eliminating useful spending."

Janet Pearson 581-8328
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Associate Images:

Many Oklahoma water providers told to clean up their supply

Nearly 140 public water supplies are operating in persistent violation of state and federal drinking water codes, pumping water containing chemicals linked to cancer, infant illness, and damage to the liver and nervous system.

BY VALLERY BROWN 5
Published: September 5, 2010

Nearly 140 public water supplies are operating in consistent violation of state and federal drinking water codes, pumping water containing chemicals linked to cancer, infant illness, and damage to the liver and nervous system.

In central Oklahoma, nine public water sites serving about 16,000 customers have orders to resolve environmental compliance issues, records from the state Department of Environmental Quality show.

The department regulates 1,582 public water systems in the state.

"The public has a right to know about the quality of their drinking water," said department spokeswoman Skylar McElheny. "Some of these things might not hurt them for several decades, but they have the right to know."

Consent orders are legal agreements between the state and the water system to resolve violations. If the terms of the order aren't followed, the water system can be fined up to $10,000 per day depending on the violation.

Disinfecting woes

In central Oklahoma counties, Stroud, Tecumseh, Chandler and Davenport consistently reported higher than allowed maximum contaminant levels for disinfectant byproducts, records show.

All are operating under consent orders to resolve the violations and notify the public.

Michele Welsh with the department's water quality division said trihalomethanes and haloacetic acids are formed when chemicals such as chlorine react with organic matter in the water. They are commonly referred to as disinfectant byproducts.

She explained the byproducts have been regulated since the late 1970s with increased enforcement from the late 1990s.

Environmental Protection Agency reports state they are associated with higher

instances of cancer in people who consume them over extended periods of time, particularly bladder, rectal and colon cancers.

"Without disinfection you have acute diseases like dysentery and cholera," Welsh said. "There are immediate health effects without the disinfectant."

The risk of developing cancer from the byproducts is low, but not insignificant enough to keep them unregulated, Welsh said.

Nitrates from the land

The town of Loyal, Logan County Rural Water District No. 2, the city of Okarche and Canadian County Rural Water District No. 1 are operating with state orders to lower water nitrate levels.

Arthur Platt with Logan County Rural Water District No. 2 said he knew something had to change when his customers started coming to the water district office for bottled water.

"The things in the water weren't good for you," said Platt, who's worked for the water district since 1986. The district pumps water to areas in and around Cashion and Crescent.

Platt said the water started testing high for nitrates in 2001. The compound is naturally occurring and leaches into the water supply from manures and fertilizers.

"They can hurt pre-born babies, older people, and result in blue babies," Platt said. "So we had to start giving people bottled water if they wanted it."

Blue baby syndrome is the result of a baby's blood not being able to carry enough oxygen.

Excessive nitrates in drinking water can even kill infants.

In 2001, the water supply to slightly fewer than 1,000 people in the area started testing higher than the allowed amount. It hasn't gone down, likely because of farming.

Last week, Platt said the district tapped two new wells with low nitrate levels. Those are expected to be fully operational in the coming weeks.

Platt said the county used stimulus funds to pay for the construction. Higher fees for water customers there are also likely.

Dorothy Glazier, treasurer for the town of Loyal in Kingfisher County, said money will be the end all if the town has to build a new well. Since 2007, Loyal's water has tested high for levels of nitrates. Glazier said so far the response has been to post and mail out

warnings about the water and hope the nitrate levels naturally decline.

"I've drank this water my whole life and all of my children have, too," said Glazier. "We're a town of about 100, how would we pay to dig a new well? And how could we know if that one wasn't high, too?"

Other consent orders

The town of Arcadia in Oklahoma County was cited for exceeding maximum levels for arsenic, uranium and selenium. The naturally occurring minerals are known to cause kidney, skin and nervous system damage in high concentrations.

Lincoln County Rural Water District No. 1 near Sparks is in violation of construction standards for water treatment plants and must build a secondary source for drinking water.

Okarche Rural Water District in Kingfisher County in 2000 was found to have vinyl chloride in the water. The district has been ordered to replace 7 miles of PVC pipe to fix the contamination. According to the Centers for Disease Control and Prevention there are no known risks from drinking vinyl chloride, but inhaling it can cause liver, nerve and immune system damage.

The Seattle Times

Sunday, September 5, 2010 - Page updated at 05:17 PM

A flood of asbestos: How much should residents worry?

By Craig Welch
Seattle Times environment reporter

NOOKSACK, Whatcom County â€”

KEN LAMBERT / THE SEATTLE TIMES

Julie Wroble, right, an EPA toxicologist, collects samples of asbestos-contaminated soil along the Sumas River. At left, EPA's Raymond Wu rakes the ground to measure how much asbestos a homeowner might inhale while performing ordinary tasks.

Even before the health regulators in white moon suits arrived to rake their yards, residents along the Sumas River were arguing over how much to fret about contamination.

It began with the floods, in January 2009. When swollen waters spread across farmers' fields and into basements, the muddy torrent deposited something disturbing: extraordinarily high concentrations of cancer-causing asbestos.

Emergency health warnings went out, and one anxious family left town, abandoning its home and business in a panic. Others insisted that concerns were overblown. Off-road vehicle tracks appeared in a dry asbestos-laden creek right next to a sign detailing the cancer risks of kicking up dust.

Teasing out the odds of contracting health problems from environmental contamination is a tricky business. The asbestos issues along the Sumas reveal how tenuous a grasp on it we sometimes still have.

Scientists can't yet tell how many ways people might get exposed, and the absence of hard data leaves disease experts struggling to characterize the danger. That lack of clarity, in turn, has led some residents to make painful choices.

"We spent five months cleaning up the muck from that flood before we knew what was in it," said former resident Cherie Cummings, who said she couldn't sell her house before fleeing the asbestos in her yard. A foreclosure notice is now posted to her door. "I had my kids out there working in it every day! There's no telling how much I exposed them to."

Contamination of the Sumas isn't a calamity on the scale of Libby, Mont., where the deaths of some 400 vermiculite miners and their family members have been linked to asbestos. In fact, most asbestos-related diseases are the result of mining, demolition or factory work.

There's no evidence anyone who lives along the Sumas River has gotten sick. It's still possible no one ever will.

But workers who handle industrial material containing 1 percent asbestos are usually required to wear masks. And the caky flood deposits left behind in yards along the river all the way to Canada showed levels of asbestos as high as 27 percent.

Asbestos-related diseases are caused by repeated inhalation, so the amount of microscopic fibers found in dirt means little â€" unless you can show how much of it people are breathing. So, concerned researchers in protective gear were out late last month trying to gauge the threat by taking air samples while replicating everyday activities â€" from raking and lawn-mowing to weed-whacking or simply walking.

"The levels of asbestos here are really high," said toxicologist Julie Wroble, who is leading field work for the Environmental Protection Agency. "There's so much it's almost like a product â€" like someone put it here on purpose."

And that, for many, is the real kicker:

This asbestos wasn't culled from a mine or landfill and didn't leach from some toxic-waste site. It wasn't even produced by humans. It's naturally occurring, released by a slow-moving landslide, which is expected to churn out trouble for another 400 years.

With no corporate or government villain, there's no deep pocket to foot the bill for cleanup.

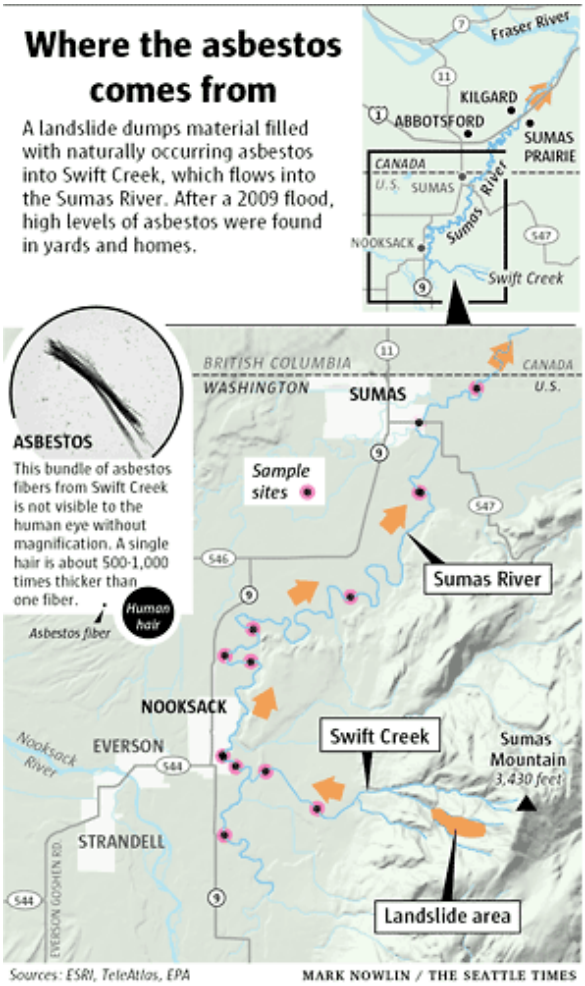
You can't sue Mother Nature.

So many unknowns

Asbestos is found in roofing and siding, brake linings, insulation and other fire retardants. It's also as common in nature as a rock.

KEN LAMBERT / THE SEATTLE TIMES
Swift Creek is dry and contaminated with asbestos. Tire tracks suggest that some ignore posted warnings about the health risks.

KEN LAMBERT / THE SEATTLE TIMES
The EPA's Sandra Brozusky, in a protective suit with air monitors attached, rakes soil in an effort to record the level of asbestos. Workers who handle material containing 1 percent asbestos are usually required to wear masks — and measurements as high as 27 percent have been taken in some yards along the Sumas River.



It's a form of several minerals found throughout the world, including in parts of the North Cascades. The rocks are harmless until crushed into fine dust that releases

microscopic asbestos fibers. Inhaling too many of the wrong kind and size of these fibers over long periods can lead to lung-scarring asbestosis, lung cancer and fatal mesothelioma, a rare cancer.

What's happening in this pocket of northwest Washington began in the 1930s, when heavy rain reactivated a massive slide on Sumas Mountain. Eventually the slide ground away a particular type of rock, generating asbestos fibers. The landslide dumps up to 120,000 cubic yards of material each year into Swift Creek, which feeds the Sumas River.

No one knows how much of that material contains asbestos, or how long fibers have been getting into the creek. But when scientists sampled the creek's banks in 2006, the results alarmed health experts.

No government standard exists for how much asbestos is safe in dirt, but the banks of Swift Creek contained up to 4 percent asbestos, and averaged 1.7 percent. The banks, a popular spot for hiking, horseback riding and dirt-biking, were formed by crumbled rocks dredged regularly from the creek to prevent flooding. For years people have hauled away the spoils for use as yard and driveway fill.

No one kept records of where it all went.

"We have no idea if kids for years have been driving their Big Wheels up and down driveways full of this stuff," Wroble said.

The county warned people to avoid Swift Creek and banned the use of its dredge spoils. State Department of Health experts reviewed years of cancer data and were relieved to find occurrences of lung diseases, including mesothelioma, were no greater here than in the population as a whole.

But asbestos-related diseases take decades to surface, and no one knows if asbestos began raining into Swift Creek in the 1930s â€" or more recently.

"We're glad we're not seeing sickness, but there are a lot of uncertainties," said Jeff Hegedus, an environmental supervisor with the Whatcom County Health Department. "It's a small population, statistically speaking. People move in and out of the area. Not everyone lives here for 40 years."

County, state and federal agencies began meeting in 2006 with Swift Creek's neighbors, urging them to limit exposure

KEN LAMBERT / THE SEATTLE TIMES

The Sumas Mountain landslide releases up to 120,000 cubic yards of material — including naturally occurring asbestos — into Swift Creek each year. The creek, in turn, feeds the Sumas River.

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Mike Parker lives closer to Swift Creek than almost anyone else. He says the asbestos issues concern him, but "I try to stay rational about it."

Spreading troubles

1930s: Sumas Mountain landslide reactivated; material drains into Swift Creek
1940s: Residents begin dredging Swift Creek to prevent flooding

1995: State determines dredging releases only minute amounts of asbestos

2005: Additional sampling required in Swift Creek

2006: Samples show more asbestos than once thought in creek dredge spoils

2006: EPA begins investigation

2008: First of two Washington State Department of Health investigations shows no increased rate of asbestos-related disease in communities around Swift Creek or Whatcom County

2009: Sumas River floods

2009: EPA sampling reveals flood deposited asbestos along Sumas River in even higher concentrations than had been found in Swift Creek dredge spoils

2010: Activity-based air sampling begins along Sumas Rive

Source: U.S. Environmental Protection Agency

to airborne dust. But they acknowledged permanently
controlling the problem could cost tens of millions of dollars and there is no obvious place to get the money.

"One of the problems we have is that it's a potentially serious situation now, and we don't know how serious it may get in the future," said Elly Hale, a project manager with the EPA.

Then came the 2009 floods.

Neighbors divided

Stay or go. What do you do when nature poisons your yard â€" and promises to do so over and again?

When Cherie Cummings and her husband and children moved north of Nooksack in 2006, they established a bed-and-breakfast and you-pick vegetable and flower farm. They kept chickens and goats and geese and a peacock, on several acres along the tiny Sumas.

But on Jan. 7, 2009, the rising river swallowed their south lawn. Water poured into their home through a basement window. The propane tank for the cottage floated away. Receding waters left behind a weird, white mud.

"It filled in our pond, covered our lawn and the flower beds on the south side of the property," Cummings recalled. "Much of the rest of the land had a few inches of the white sediment. It was like a snowstorm â€" the stuff was everywhere."

She cleaned up and reopened the business in late spring, but then the EPA came by and asked to take samples. Results came back and Cummings was devastated. Samples on and near her property ranged from 3 to 11 percent asbestos. Similar â€" often higher â€" readings were found on property all the way to the Canadian border.

The county took a sample from Cummings' basement. It, too, contained asbestos.

Cummings felt she had to get away. She didn't want her kids living in that environment. But real-estate agents said her home was unsellable. Her homeowners and flood insurance wouldn't pay because her buildings were not damaged. The state wouldn't declare her home a public health threat â€" there wasn't enough information about risks.

"We discovered that when you're dealing with asbestos, no one has authority to help you move for good," she said.

Cummings drafted fliers and took them to field hands in nearby farms, warning that they might be working around asbestos. She frustrated and irritated her neighbors, few of whom shared her view that this was a crisis.

"I think they were just looking for an excuse to bail," said Nooksack Mayor Jim Ackerman, who, at 65, has lived near the Sumas since childhood. He, like many others, maintains that tilling over or burying asbestos in the yard probably is enough to resolve health risks.

"The government's got people up here in suits and masks; it looks like the Martians have landed," he said. "That's overkill. I don't want to make light of it, but the agencies have people scared. I know a guy who is 80 years old and ornery as hell and he's been living next to Swift Creek for years. And he's fine."

None of that changed Cummings' mind.

"We were called stupid," she said. "We were called irrational. I didn't make friends, for sure, but this seemed important."

EPA officials wrote letters on her behalf, documenting what they'd found. The Federal Emergency Management Administration offered temporary rental assistance, but only because the flood had been formally declared a disaster.

So Cummings abandoned her property, ruined her credit, busted her savings and moved to Oregon. She hasn't been back since.

"We didn't want to walk away," Cummings said. "But we just didn't want our children living around that stuff."

Falling property values

Health officials won't say whether Cummings overreacted. Decisions to move are far too personal, they said. Plus, county, state and federal agencies are still gathering information. It's not even clear that all the experts agree with one another.

"We try to give people the best information we can without speculating," said Karen Larson, with the Agency for Toxic Substances and Disease Registry (ATSDR).

Hegedus, with Whatcom County Health, saw polar reactions when trying to inform people about the risk: "People tended to see what they wanted to see," he said.

Some worried mostly about money. It could be years before health risks are understood. And even if those risks are eventually deemed minimal, the economic consequences still could be staggering.

Contamination played a role in Whatcom County's decision to scale back Nooksack's proposed urban-growth boundary. The county assessor is reducing property valuations based on known asbestos contamination. Riverfront home sales, already anemic, have dried up.

Hegedus insists residents can adequately limit exposure by following a few simple protocols: Cover asbestos sediment with new topsoil or landscaping; spray down gardens before digging; dust with a wet cloth; mop rather than sweep floors; vacuum basements using high-efficiency vacuums.

Hale, at EPA, said she understands why some still worry. "What makes this particularly problematic is that the material is coming right to them," she said. Besides, "You can't control where the cat is digging in your yard."

Wroble said she lives in fear of getting a phone call years from now informing her that a Sumas resident has mesothelioma.

For now, ATSDR plans a yearlong monitoring program, and Whatcom County's public-works division hopes to find a way to erect a temporary fix. Workers wanted to install a series of ponds near the slide's base, hoping some portion of the asbestos would settle out before water rushes into the creek and downstream.

But there's no telling how well that would work, and costs and liability already have stalled efforts to get some of that work started.

In the meantime, "No one as yet has envisioned a permanent solution," Hegedus said.

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Lawsuit filed over wolf program

Posted: Saturday, September 4, 2010 5:00 am | Updated: 12:52 am, Sat Sep 4, 2010.

Karen Warnick - The Independent |

APACHE COUNTY - The Board of Commissioners of Catron and Otero counties, the Gila National Forest Livestock Permittees' Association, the group Americans for Preservation of the Western Environment (APWE), and several ranches filed a lawsuit in New Mexico federal district court against the U.S. Fish and Wildlife Service (USFWS) and its Director Benjamin Tuggle and the New Mexico Department of Game and Fish (NMGF) and its Director Tod Stevenson over their handling of the reintroduction of the Mexican Gray Wolf program.

The 40-page lawsuit was filed, Aug. 27 Daniel Bryant attorney for the law firm Bryant, Schneider-Cook. The case alleges violations of the National Environmental Policy Act (NEPA), the Endangered Species Act, and the Administrative Procedure Act. "The defendants have through actions and omissions violated the enabling rules and altered the program without completing the environmental review or other environmental documentation required by NEPA and its implementing regulations, and these actions are therefore arbitrary, capricious, and not in accordance with the law..." according to the brief.

In a phone interview, Bryant said he has spent 32 years battling the federal government over land issues. "I'm the one waving my hands at the federal land managers telling them they have to give us a voice and pay attention to how their decisions affect the people."

The wolf reintroduction program has cost taxpayers at least $20 million since 1998 according to an article in the Arizona Daily Star in June.

The following statements were made and quoted from the program's April 1997 Final Environmental Impact Statement (FEIS) and Final Rule:

The FEIS and the Final Rule both were designed with "considerable management flexibility to reduce the potential conflicts between wolves and the activities of governmental agencies, livestock operators, hunters and others."

The FEIS also states that the initial release of stock of wolves will be "surplus" Mexican wolves from the captive population. "A surplus wolf is one whose loss or removal will not significantly adversely affect the genetic or demographic make-up of the population." Under the Endangered Species Act, the USFWS classified the wolves as a nonessential experimental population.

The Final Rule states, "Nonessential experimental designation enables the Service to develop measures for management of the population that are less restrictive than the mandatory prohibitions that protect species with ‘endangered' status."

The Final Rule states, "The Service finds that even if the entire experimental population died this would not appreciably reduce the prospects for future survival of the subspecies in the wild. That is, the captive population could produce more surplus wolves and future reintroductions still would be feasible..."

Catron County commission Chairman Ed Wehrheim has been battling the wolf issue in his county for years. At issue is the USFWS not following its own rules, especially concerning the removal of wolves that have preyed upon livestock three times. "They haven't removed any wolves since 2007 and they've been changing their policies without going through the proper channels," he said.

Wehrheim went on the say that private property owners are not being compensated for the loss of livestock and the USFWS admitted that for every confirmed kill, there are seven more not confirmed.

Other issues stated in the lawsuit are the lack of funding available for the program and how it's adversely affecting the monitoring. This includes how the lack of funding and personnel has resulted in reduced wolf monitoring in the areas of radio-collaring, year-end population counts and response to wolf sightings.

Further charges in the lawsuit include, "The USFWS and the NMDGF (New Mexico Game and Fish) have ignored the scientific data contained in their own files regarding hybridization between wolves and coyotes, and have withheld such information from Plaintiffs and the general public, continuing to assert that there is no evidence of this type of hybridization."

The lawsuit asks that the judge, Robert Brack, issue a preliminary injunction preventing the Defendants from proceeding with any management decisions which are in violation of the law, to fully fund the required actions on wolf removals and population counts,

declaring the Defendants' deviation from the rules as unlawful, and asking for reasonable attorney fees, interest and costs.

The next step in the case is the 20 to 60 days the defendants have to answer the charges. Bryant estimates that it will take eight months to a year before all the preliminary issues are handled and a court date is set.

•Reach the reporter at kwarnick@wmicentral.com.

WDSU.com

LDWF Issues Advisory For Teal Hunters

POSTED: 6:39 pm CDT September 3, 2010

NEW ORLEANS -- Teal season opens Sept.11, and thousands of hunters will make their first waterfowl hunts in the coastal marshes since last winter, Louisiana Department of Wildlife and Fisheries officials said on Friday.

Although no areas in Louisiana are closed to hunting due to the Deepwater Horizon oil spill impacts, the LDWF advised hunters that they may encounter cleanup activities, boom protecting habitat and possibly oiled habitat or birds. Some boat launch access points will also be in use for continued cleanup activities.

The following is information from the LDWF:

Launch and Habitat Access

Boat launches serving the clean-up operation will be crowded with vehicles serving that mission. For example, launches in Hopedale, Cocodrie, Myrtle Grove and Venice are departure points for oil-spill workers, and the launch at the end of LA Hwy. 665 near Pointe-aux-Chenes Wildlife Management Area (WMA) is closed to public use. Once on the water, hunters should expect additional boat traffic in areas near oil impacts. Like fishermen, hunters are not allowed to cross protective boom and are required to stay at least 65 feet from boom and other clean-up equipment.

The U.S. Coast Guard and oil-spill response operations personnel have agreed to minimize wildlife habitat disturbance where individuals may be hunting. Air-boat activity on WMAs will be stopped, low-level aircraft flights and other operations will be delayed until later in the morning, and clean-up crews will be briefed about potential hunting activity during the Sept.11 – 26 teal season.

LDWF asks hunters to remain aware of clean-up crews along the coast and understand the significance of their continued efforts. Oil-spill responders will be in clusters of boats and wearing white Tyvek suits. Their presence puts added emphasis on standard gun-safety procedures. Oil impacts are generally on the exterior marshes and islands, open bays and barrier islands. Any questions or issues relating to teal season hunting in areas of oil impact or cleanup activities should be reported to the Joint Incident Command at (985) 647-0266.

Oiled Wildlife or Habitat

In the unlikely event that hunters harvest an oiled bird, it must be kept as part of the daily bag limit, but LDWF is advising hunters NOT to eat visibly oiled ducks. Hunters are asked to report any oiled bird harvested, and any other oiled birds observed in the field, to the Oiled Wildlife Hotline at (866) 557-1401 and also to the nearest LDWF Field Office. If possible, wrap the oiled

bird in aluminum foil or paper, and deliver it to the nearest LDWF Field Office or active bag check station so the bird can be analyzed and become part of the oil-spill damage assessment.

Hunters are also encouraged to report oil impacted marsh habitat to the Environmental Hotline at (866) 448-5816.

As part of the wildlife recovery and rehabilitation process, a few game birds that were recovered have been cleaned and released back into the wild. These birds have been tagged with a standard silver federal band and a red auxiliary band that says “Oil Spill Bird.” Hunters should not eat these birds, but should call the phone numbers on the band to report them.